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FOR

SESSION 1877-'78.



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BARBADOS:

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J. King Gill

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CAP. I.

[21st December, 1877.]

An Act to continue in force the Acts regulating the Import and Export Trade of this Island.

WHEREAS the Acts passed the Thirtieth March, One thousand eight hundred and seventy, and Twenty-fourth December, One thousand eight hundred and seventy-two, relating to the Trade of this Island, and the Act passed the Ninth July, One thousand eight hundred and seventy-two, to continue the charge of twenty per cent on all duties of Customs, exclusive of those on tonnage, will expire on the Thirty-first day of December, instant, and it is deemed expedient to continue in force the said Acts of the Thirtieth March, One thousand eight hundred and seventy, the Twenty-fourth December, One thousand eight hundred and seventy-two, and the Ninth July, One thousand eight hundred and seventy-two, for a further period : Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same,—

Preamble.

That the said recited Acts of the Thirtieth March, One thousand eight hundred and seventy, the Twenty-fourth Decem-

Renews certain recited Trade Acts to 31st Decr., 1878.

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ber, One thousand eight hundred and seventy-two, and the Ninth day of July, One thousand eight hundred and seventy-two, and all other Acts and parts of Acts relating to the Trade of this Island, shall continue in force until the Thirty-first day of December, One thousand eight hundred and seventy-eight, and shall be read together as one Act.

CAP. II.

[21st December, 1877.]

An Act to continue in force the Acts relating to the Police, 29th July 1852, 11th September 1863, 27th June 1867, and 19th January 1874.

Preamble.

WHEREAS the Acts of this Island passed the Twenty-ninth day of June, One thousand eight hundred and fifty-two, Eleventh day of September, One thousand eight hundred and sixty-three, Twenty-seventh day of June, One thousand eight hundred and sixty-seven, and Nineteenth day of January, One thousand eight hundred and seventy-four, relating to the Police, will expire on the Thirty-first day of December in the present year, and it is deemed expedient to continue in force said recited Acts for a further period: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same,—

Renews certain recited Police Acts to 31st Decr., 1878.

That the said recited Acts, are hereby continued in force until the Thirty-first day of December, One thousand eight hundred and seventy-eight.

LAWS OF BARBADOS.

CAP. III.

[21st December, 1877.]

*An Act to continue in force the Act entitled
“An Act to make better provision for the
collection of a Duty upon Rum made in
this Island.”*

WHEREAS the Act of this Island,
passed the Twentieth day of December,
One thousand eight hundred and seventy-
one entitled “An Act to make better provision
for the collection of a duty upon Rum made
in this Island,” was continued in force to the
Thirty-first day of December, One thousand
eight hundred and seventy-seven. And where-
as it is deemed expedient to continue in force
the said Act for a further period. Be it
therefore enacted by the Governor, Council,
and Assembly of this Island, and by the
authority of the same,—

Preamble.

That the said recited Act of the Twentieth
day of December, One thousand eight hun-
dred and seventy-one, is hereby continued in
force until the Thirty-first day of December,
One thousand eight hundred and seventy-
eight.

Renews certain
recited Rum Duty
Acts to 31st De-
cember, 1878.

CAP. IV.

[21st December, 1877.]

*An Act to continue in force the Act for the
repair and improvement of the High-
ways.*

WHEREAS the Act of the Twenty-fourth
day of February, One thousand eight
hundred and sixty-four, entitled “An Act
to consolidate and amend the Laws for the

Preamble.

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repair and improvement of the Highways," was continued in force to the Thirty-first day of December, One thousand eight hundred and seventy-seven. And whereas it is deemed expedient to continue in force the said Act for a further period: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same,—

Renews certain recited Highway Acts to 31st Dec. 1878.

That the said recited Act of the Twenty-fourth day of February, One thousand eight hundred and sixty-four, is hereby continued in force until the Thirty-first day of December, One thousand eight hundred and seventy-eight.

CAP. V.

[21st January, 1878.]

An Act for securing to Robert Tooth of St. Mary at Hill, in the City of London, Gentleman, the exclusive benefit for a limited time of his invention of certain Improvements in the manufacture of Sugar and in the apparatus to be used therein, part of which apparatus is also applicable to other purposes.

Preamble.

WHEREAS the said Robert Tooth, hath represented through Messrs. Carrington and Sealy, Solicitors in this Island, that he is the Inventor of certain improvements in the manufacture of Sugar, and in the apparatus to be used therein, part of which apparatus is also "applicable to other purposes," and the Messrs. Carrington and Sealy, prayed for him and on his behalf that an Act might be passed, securing to him, his executors, administrators and assigns, the ex-

LAWS OF BARBADOS.

clusive benefit of his said invention, for a limited time in this Island. And whereas it is deemed expedient to grant the prayer of the said Petitioner: Be it therefore enacted by the Governor, Council and Assembly of this Island, and by the authority of the same, as follows :—

I. The said Robert Tooth, his executors, administrators, and assigns, and every of them by himself and themselves, or by his and their deputy or deputies, servants or agents, or such others, as he the said Robt. Tooth, his executors, administrators, or assigns shall at any time agree with, and no others, from time to time, and at all times hereafter, during the term of fourteen years, computed from the Seventeenth day of January, One thousand eight hundred and seventy-six, shall and lawfully may make, use, and exercise and vend his said invention of certain improvements, in the manufacture of Sugar, and in the apparatus used therein, part of which apparatus is also applicable to other purposes within this Island, in such manner, as to him the said Robert Tooth, his executors, administrators, and assigns, or any of them shall in his or their discretion seem meet. And he the said Robert Tooth, his executors, administrators, and assigns, shall and lawfully may have and enjoy the whole profit, benefit, commodity, and advantage from time to time coming, growing, and accruing and arising by reason of the said invention for and during the term hereinbefore mentioned.

Grants exclusive
right for 14 years
from 17th January
1876.

II. It shall not be lawful for any person or persons, bodies politic or corporate, or any of them at any time during the continuance of the said term hereby granted, either

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Protection to Patentee.

directly or indirectly to make, use, or put in practice, the said invention or any part of the same, nor in any wise counterfeit, imitate, or resemble the same whereby to pretend himself or themselves, the inventor or inventors thereof, without the consent of the said Robert Tooth, his executors, administrators, or assigns, in writing under his or their hand or hands, seal or seals, first had and obtained in that behalf.

Remedy for infringement.

III. If any person or persons whomsoever, body or bodies politic or corporate, shall during the continuance of the said term, at any time either directly or indirectly make, use, put in practice, or vend the said invention and improvements, or any of them or any part thereof within this Island, without a permission or license in writing, first had and obtained from the said Robert Tooth, his attorneys, executors, administrators, or assigns, the said Robert Tooth, his executors, administrators, and assigns, shall have and be entitled to such and the like remedies both at law and in equity, in the Courts of this Island against every such person, bodies politic or corporate, for every such infringement or violation of the rights and privileges hereby granted to him and them, or against the person or persons for whose benefit the same shall have been so made, used, or put in practice, without such license or permission as aforesaid, as the grantee of any letters patent for any invention would be entitled to in the like case by the law of England, and in any action which may be brought against any such person or persons, or bodies politic or corporate, it shall be lawful for the defendant in such action to plead any such matter in defence as may be pleaded by any de-

LAWS OF BARBADOS.

pendant in any action brought in the Courts of Westminster Hall for the infringement of any patent granted by Her Most Gracious Majesty.

IV. Provided nevertheless, that if the said Robert Tooth shall not file a specification of his said Invention in the Secretary's Office of this Island within three calendar months after the passing of this Act, then this Act and all liberties and advantages whatsoever hereby granted shall utterly cease, determine, and become void, anything hereinbefore contained to the contrary thereof notwithstanding.

Specifications to be filed in Colonial Secretary's office within 3 calendar months.

CAP. VI.

[21st January, 1878.]

An Act for securing to John Bowing of No. 2 Saint Michael's House, Saint Michael's Alley, Cornhill, in the City of London, in England, Manufacturing Chemist, the exclusive use and benefit for a limited time of certain Inventions in Machinery and Apparatus for improvements for filtering.

WHEREAS the said John Bowing hath, through Mr. Edmund Knight Taylor, his Attorney, presented his humble Petition to the House of Assembly, representing that he is the Inventor of Machinery and Apparatus for improvements for filtering large Masses, or volumes of matter having low comparative value such as waters, sewage, cement, sluny potters clay, China clay, whiting, yeast and the like, also in the treatment of less bulky and delicate and costly bodies, such as chemical colors, wines, beers, and sugars, and the like; and that an Act might be passed se-

Preamble.

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curing to him the exclusive benefit for a limited time, of the said inventions. And whereas it is deemed expedient to grant the Prayer of the said Petitioner : Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

I. The said John Bowing, his executors, administrators, and assigns, and every of them, by himself and themselves, or by his or their deputy or deputies, servants or agents, or such others as he the said John Bowing, his executors, administrators, and assigns, shall at any time agree with, and no others from time to time and at all times hereafter during the term of fourteen years from the passing of this Act, shall and lawfully may make, use, exercise and vend his said Invention in Machinery and apparatus for improvements for filtering, and certain appliances and machinery therewith within this island, in such manner as to him the said John Bowing, his executors, administrators, and assigns, or any of them shall in his or their discretion seem meet, and that he the said John Bowing, his executors, administrators, and assigns shall and lawfully may have and enjoy the whole profits, benefits, commodity, and advantage, from time to time coming, growing, accruing and arising by reason of the said invention, for and during the term hereinbefore mentioned.

Grants exclusive right for 14 years from the date of passing of the Act.

II. It shall not be lawful for any person or persons, bodies politic or corporate, or any of them at any time during the continuance of the said term hereby granted, either directly or indirectly to make, use, or put in practice the said invention or

Protection to Patentes.

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any part of the same, nor in anywise counterfeit, imitate or resemble the same, whereby to pretend himself or themselves the inventor or inventors thereof without the consent of the said John Bowing, his executors, administrators, and assigns, under his or their hand or hands, and seal or seals, first had and obtained in that behalf.

III. If any person or persons, whosoever, body or bodies, politic or corporate, shall during the continuance of the said term at any time either directly or indirectly make use, put in practice, or vend the said invention and improvements or any of them, or any part thereof within this island, without a permission or license in writing first had and obtained from the said John Bowing, his attorneys, executors, administrators, or assigns, the said John Bowing his executors, administrators and assigns, shall have and be entitled to such and the like remedies both at Law and in Equity in the Courts of this island against every such person, bodies politic or corporate, for every such infringement or violation of the rights and privileges hereby granted to him and them or against the person or persons for whose benefit the same shall have been so made, used, or put in practice without such license or permission as aforesaid, as the Grantee of any Letters Patent for any invention would be entitled to in the like case by the Law of England, and in any action which may be brought against any such persons or bodies politic or corporate, it shall be lawful for the defendant in such action to plead any such matter in defence, as may be pleaded by any defendant in any action brought in the Courts of Westminster Hall for the infringement of

Remedy for infringement.

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any Patent granted by Her Most Gracious Majesty.

Specification to be filed in Colonial Secretary's Office within 3 calendar months

IV. Provided nevertheless, that if the said John Bowing shall not file a specification of his said Invention in the Secretary's Office of this Island, within three calendar months after the passing of this Act, that then this Act and all liberties and advantages whatsoever hereby granted shall utterly cease, determine and become void, anything hereinbefore contained to the contrary thereof notwithstanding.

CAP. VII.

[March 4th, 1878.]

An Act to provide for the appointment of an additional Warder at Glendairy Prison,

Preamble.

WHEREAS the number of Prisoners confined at Glendairy Prison has increased of late, and it has been made to appear that it is necessary for the good management and discipline of the Prison, that an additional Warder should be appointed therto: Be it therefore enacted by the Governor, Council and Assembly of this Island, and by the authority of the same,—

Appointment of an additional Warder at Glendairy Prison, from 1st January, 1878, at a Salary of £50 per annum.

That it shall be lawful for the Governor of this Island to appoint an additional Warder for Glendairy Prison at an annual salary of Fifty Pounds, such appointment when made to take effect as from the First day of January, One thousand eight hundred and seventy-eight.

LAWS OF BARBADOS.

CAP. VIII.

[March 11th, 1878.]

An Act to amend an Act entitled "An Act to amend and continue the Act regulating the Import and Export Trade of this Island," in respect of packages of Tobacco seized as being under the required weight.

WHEREAS by the Seventh section of the Act of the 24th day of December 1872, entitled "An Act to amend and continue the Act regulating the Import and Export Trade of this Island," it is enacted that tobacco shall not be imported in outer packages of less than Eighty pounds net weight each, and any such tobacco imported in outer packages of less weight shall be forfeited and seized, and dealt with in the manner provided by the Act of the 30th March 1870, for goods forfeited; and whereas the above mentioned Act has been revived and continued from time to time and the provisions thereof are now in force; and whereas under the seventh section occasional seizures of tobacco as being imported in packages under the weight required by the Act have been made under circumstances which show that no fraud on the revenue was intended, and in such cases the Legislature deemed it right to pass and has passed Acts authorising the delivery up to the parties interested therein of the packages of tobacco thus seized; and whereas it is expedient to make other and more simple provision for carrying out the intention of the said recited section of the said Act: Be it therefore enacted by the Governor, Council and Assembly of this Island, and by the authority of the same, as follows:—

Preamble.

Seizure of Tobacco
in Packages under
the weight required
by the Act.

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The Governor-in-Council may order restitution of Tobacco seized on payment of costs and all charges.

I. From and after the passing of this Act, it shall be lawful for the Governor in Council, if he shall think fit after making due enquiry into the facts and circumstances of the case, to order the Controller of Customs to deliver up to the party entitled to the possession of the same, any package or packages of tobacco which may have been seized by the Customs authorities under the provisions of the said recited section of the said Act, provided that such party shall pay all proper and necessary dues, charges and costs incurred in respect of such tobacco and in respect of the seizure thereof.

Time of seizure to extend from 1st July, 1876.

II. Any seizures of tobacco as aforesaid which may have been made from the First day of July, One thousand eight hundred and seventy-six, up to the time of the passing of this Act may be dealt with by the Governor-in-Council under the powers conferred by the preceding section.

CAP. IX.

[21st March, 1878.]

An Act to amend an Act entitled "An Act to form the Police Magistracies into Districts, in respect of the holding of Police Courts at District "A."

WHEREAS by the First Section of an Act passed on the Fifth day of November, One thousand eight hundred and seventy: entitled "An Act to form the Police Magistracies into Districts," it is enacted that the junior of the two Police Magistrates for the Parish of Saint Michael, and City of Bridgetown, shall hold a Court, not less than twice weekly, for the transaction of the business of the rural district,

Preamble.

LAWS OF BARBADOS.

at the Police Station at District "A" and on the other four days of the week, at the Central Police Station in Bridgetown, and whereas it has been made to appear that it is not necessary or convenient to continue the holding of Police Courts at District "A" and it is deemed expedient to amend the aforesaid Act accordingly: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same,—

That from and after the passing of this Act it shall not be necessary for the junior Police Magistrate of the Parish of Saint Michael, and City of Bridgetown, to continue to hold Courts at District "A" but he may and shall sit on all the six days of the week at the Central Police Station, instead of on four days of the week only, as heretofore.

Sittings at the Police Magistrate's Court at District 'A' to be discontinued, and the Magistrate to hold Courts at the Central Station six days in the week.

CAP. X.

[27th March, 1878.]

An Act to facilitate the despatch of business before Grand Juries in this Island.

WHEREAS it would expedite and improve the administration of criminal justice, if persons attending to give evidence before Grand Juries were sworn in the presence of the Jurors, who are to act upon such testimony: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

Preamble.

I. From and after the passing of this Act, it shall be lawful for the Foreman of every Grand Jury empannelled in this Island, and he is hereby authorised and required to administer an oath to all persons whomsoever, who shall appear before such Grand Jury to

Witnesses examined before Grand Juries, to be sworn in the presence of the Jurors.

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give evidence in support of any bill of indictment; and all such persons attending before any Grand Jury to give evidence may be sworn and examined upon oath by such Grand Jury, touching the matter in question; and every person taking any oath or affirmation in support of any bill of indictment, who shall wilfully swear or affirm falsely shall be deemed guilty of perjury; and the name of every witness examined, or intended to be so examined, shall be endorsed on such bill of indictment; and the Foreman of such Grand Jury shall write his initials against the name of each witness so sworn and examined touching such bill of indictment.

Not necessary for
Witnesses to be
sworn in open Court.

II. From and after the passing of this Act, it shall not be necessary for any person to take an oath in open Court in order to qualify such person to give evidence before any Grand Jury.

Interpretation of
terms.

III. The word "Foreman" shall include any member of such Grand Jury who may for the time being act on behalf of such Foreman in the examination of witnesses in support of any bill of indictment; and the word "oath" shall include affirmation, which by law such affirmation is required or allowed to be taken in lieu of an oath.

CAP. XI.

[11th April, 1878.]

An Act to amend An Act entitled, "An Act to incorporate the Barbados Railway Company," passed the 25th day of February, One thousand eight hundred and seventy-three.

WHEREAS by the Barbados Railway Company's Act, (hereinafter called "the principal Act"), the Barbados Rail-

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way Company (hereinafter called "the Company") was incorporated, and by section 3 of the principal Act the Colonial Government guaranteed to Shareholders in the Company interest at the rate of six per cent per annum on Moneys to be expended in construction of the Railway and works of the Company, subject to provisions to the effect, that the guarantee should not extend to dividends on a larger sum than £100,000, and provisions were thereby made with respect to the commencement and completion of the works and the capital of the Company, and for the payment of interest on Shares during the construction of the Works; and it was thereby provided, that the internal affairs of the Company should be regulated by a Deed of Settlement, to be enrolled, and to be executed by the Members of the Company as therein mentioned. And whereas, a Deed of Settlement relating to the internal affairs of the Company has been enrolled, in pursuance of the provisions of the principal Act. And whereas the time for commencement and completion of the said Railway and Works have been extended, by certain Acts of the Legislature of the Island, hereinafter called "the extending Acts." And whereas, since the passing of the principal Act, and the extending Acts, the probable expenditure of the Company on the Railway and Works, has been further estimated, and for enabling the Company to raise capital in England, and to arrange with the Contractors, and for other purposes, it is desirable to further define and amend the respective rights of the holders of Shares, and of Securities of the Company, and to make provision by Government guarantee for the actual payment during construction of interest on share capital, without resorting to

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principal, and to further extend the time for completion of the said Railway and Works ; And whereas it is expedient to enable a Company to be formed in the United Kingdom, with limited liability, with power to carry on the said undertaking, and to provide by means of Articles of Association applicable to the Company, and to the Company to be formed as aforesaid for the regulation of the internal affairs of both Companies : Be it therefore enacted by His Excellency the Governor, the Honourable the Legislative Council, and the General Assembly of this Island, as follows, that is to say.—

Defining expressions.

I. In this Act words and expressions defined by section 2 of the principal Act shall have the same respective meanings as thereby provided. This Act may be cited as "The Barbados Railway Company's Act, Amendment Act" and the provisions of the principal Act as altered and amended by the extending Acts and this Act, are in this Act referred to as "the provisions of the Acts."

Guarantee by the Colonial Government to pay £4 per cent on expenditure of the Company, until completion.

II. Sections 3 and 6 of the principal Act are hereby repealed, and in lieu thereof the Colonial Government hereby guarantee to the Company, the payment by the Colonial Treasurer of all sums that may be required, (after deduction of the ordinary working and current expenses of the Company from the receipts for traffic, or in any section of the line of Railway,) to pay interest at the rate of Four per cent per annum, upon every sum expended by the Company on any section of the Railway in and about the matters mentioned 1stly 2ndly and 3rdly in section 5 of the principal Act, (the expenditure in construction of works to be evidenced by certificates of the Company's Engineer) up to

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a total amount of One hundred and fifty thousand pounds, from the date of completion of the section on which the expenditure was incurred until completion of the whole line, and thenceforward the Colonial Government guarantee to the Company a net income of Six thousand pounds sterling per annum for the period of twenty years, computed from the day of the opening for public traffic of the said Railway throughout. Provided that if the Company exercise the borrowing powers granted in the principal Act, or issue preference or guaranteed Shares or Stock, the interest payable or paid on monies so borrowed and the interest or dividend on such preference or guaranteed shares or stock shall not be charged in the half-yearly Revenue and Expenditure accounts, before ascertaining the deficiency of the Revenue to yield the said net income of Six thousand pounds per annum. Provided also that the interest and income guaranteed and paid by the Colonial Government as aforesaid shall whenever the receipts of the Company exceed a sum, which would after deduction of the ordinary working and current expenses of the Company yield a net income of Six thousand pounds per annum be recouped and repaid to the Public Treasury, and shall be charged upon the net revenue of the Company notwithstanding the expenditure of the twenty years to which the Legislative Guarantee is intended to apply, and whenever the receipts of the Company exceed a sum which after deduction of the ordinary working and current expenses as aforesaid would leave a net income of Six thousand pounds per annum, no greater sum than Six thousand pounds per annum shall be deemed available for interest or dividend until the Public Treasury has been fully recouped for any payment or payments made to the Company under the guarantee.

On completion £6 per cent up to a total of £150,000.

Borrowing Powers

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Expressions on the Half-yearly account and Traffic of the Company.

III. In section 4 of the principal Act the words "annual accounts" shall be replaced by the words "half-yearly accounts" the word "year" shall be replaced by the words "half-year," the expression "six per cent on one hundred thousand pounds" shall mean the said income of Six thousand pounds per annum payable half-yearly; and in ascertaining the net revenue for the purposes of the said section, the Auditors and Umpire shall reject any charge which may be made for interest as payable on the authorized and issued borrowed capital of the Company. The accounts of the actual expenditure and of the traffic returns of the Company during completion of the line shall also be open to the inspection of Auditors, appointed as provided by the said section.

Repealing Section V of Original or Principal Act.

IV. Section 5 of the principal Act is hereby repealed except so far as incorporated in section 2 of this Act.

Line of Railway Company divided into 3 Sections.

V. The Line of Railway shall be divided into 3 Sections, the first commencing at Bridgetown, and ending at Carrington's in the Parish of St. Philip, the second ending at the Bath Estate in the parish of St. John, and the third ending at the terminus in the Valley of St. Andrew, and when any section is completed, the sum shall for the purposes of section 2 be deemed to represent an expenditure of Fifty thousand pounds and to entitle the Company to a guaranteed income of Two thousand pounds per annum, part of the said guaranteed income of Six thousand pounds per annum. Provided that no section shall be considered as completed unless it shall be furnished with a sufficient quantity of rolling stock and other working material.

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VI. The time fixed for the completion of the Railway and Works shall be and is hereby extended to the Thirty first day of December, One thousand eight hundred and eighty. And in the event of failure on the part of the Company in this respect the powers of the 9th section of the principal Act shall come into force, and any proportional payments which the Colonial Government may have been liable to under the second and fifth sections of this Act, shall utterly cease and determine.

Time fixed for completion, 31st December 1880.

VII. Section 17 of the principal Act shall be read and construed to authorize the Company to enter into Contracts for the construction of the Railway and Works, and the acquisition of lands, and other matters and services incident to the completion and equipment of the Railway for public traffic, on the terms of paying the Contractors, wholly or partially, by the issue of fully or partially paid up shares, or by the issue of Debentures, (as and when the Company are by the provisions of the Acts authorized to borrow on Debentures,) in such manner as may be agreed between the Company and the Contractors.

Mode of payment to Contractors.

VIII. Section 20 of the Principal Act is hereby amended by adding thereto at the end of the clause the words following, that is to say, "unless with the consent in writing of the Commissioners of Highways of the Parish or Town in which the road is."

The consent of the Road Commissioners of the Parish.

IX. In Section 43 of the Principal Act the words "provided always that it shall not be lawful for the Company to put in force any of the powers of this Act, or to commence the undertaking hereby authorised," shall

Amendment of Section 43 of Principal Act.

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“ be replaced by the words “ provided always
 “ that it shall not be lawful for the Company
 “ to put in force any of the compulsory
 “ powers of this Act.”

Shares may be
 issued as shares of
 any multiple of £5
 each.

X. The Shares of the Company may, at the discretion of the Directors, be consolidated and issued as Shares of any multiple of £5 each, and in respect of Shares representing a multiple of £5 the calls thereon may be the same multiple of the amounts authorized by the Principal Act.

A certificate of
 Guarantee shares to
 be signed on behalf
 of the Colonial Government, by a Commissioner at a fee of 1/ for such endorsement.

XI. In the certificate or ticket referred to in section 101 of the Principal Act, the name of the Company shall be used without the word “ General” and the said Certificate shall refer as well to the Principal Act, as to this Act, and shall specify the nominal amount of the shares thereby represented, and the amounts paid up thereon, and need not contain any reference to the signing of the Deed of Settlement; and it shall be lawful for the Governor-in-Council to cause to be signed on behalf of the Colonial Government, an endorsement on certificate of guaranteed shares in the Company, to the following effect:—

“ The Colonial Government of the Island
 “ of Barbados, under authority granted by
 “ the Barbados Railway Company’s Act
 “ and the Barbados Railway Company’s
 “ Amendment Act, has guaranteed to the
 “ holders of the shares, represented by this
 “ certificate, the payment by the Colonial
 “ Treasury to the Barbados Railway Company, of all sums required by the said
 “ Company, in addition to net revenue, to
 “ ensure a yearly net income available for
 “ interest or dividends, (after paying working
 “ and current expenses), at the rate of Four
 “ per cent. per annum upon the amounts spent

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" upon the works and equipment of any
 " section of the Railway, up to a total amount
 " of One hundred and fifty thousand pounds
 " upon the whole line, from the date of the
 " opening for public traffic of the section upon
 " which the expenditure was increased until
 " the opening for public traffic of the whole
 " line of Railway, and thenceforward at the
 " rate of Six thousand pounds per annum for
 " Twenty years thence next ensuing."

And it shall be lawful for the Governor in Council from time to time to appoint some person who may or may not be a Director, as a Commissioner, to examine and sign on behalf of the Colonial Government, all such Endorsements when required, either without fee or with such fee therefor, not exceeding One shilling for each certificate, to be paid by the applicant for such endorsement, as the Governor-in-Council may direct.

XII. In Section 110 of the Principal Act, the words " One hundred thousand pounds" shall be replaced by the words " Fifty thousand pounds."

Amendment of Section 110 of Principal Act.

XIII. Sections 113 and 114 of the Principal Act shall be and are hereby repealed, and in lieu thereof, it is hereby enacted, that the Articles of Association set forth in the schedule to this Act shall take effect to regulate the transfer of shares, the appointment of Directors, and all other matters of detail in the management of the internal affairs of the Company, not provided for by the provisions of the Acts, and shall be binding on all the Shareholders of the Company, and all the Shareholders shall have the benefit thereof without the necessity for the signature thereof; and the Deed of Settlement already executed and endorsed in pur-

Repealing Section of old Act, setting forth Articles of Association in the schedule to this Act, and detail of management of the affairs of Railway Company

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suance of section 118 of the Principal Act, shall be set aside and suspended by the said Articles of Association; and whenever the Deed of Settlement is referred to in the Principal Act, the said Articles of Association shall be deemed to be referred to. Provided always that nothing contained in such Articles of Association shall be repugnant to the provisions of the Principal Act and this Act; and where any Article of Association may be repugnant, it shall be deemed so far of no effect.

Directors to make
Bye Laws.

XIV. The Bye-laws in the Principal Act referred to, and hereby left to be made by the Directors, shall be made by the Directors in pursuance of the powers left to them by the said Articles of Association.

Distinction of the
Association. "The
Barbados Railway
Company, Limited."

XV. The said Articles of Association may be adopted (with such verbal additions and alterations as may be necessary to make the same applicable) as the Articles of Association of a Company, to be formed in England with limited liability, to be called "The Barbados Railway Company, Limited." to carry on the undertaking authorised by this Act; and the Company so formed (herein after referred to as "The English Company") are hereby authorised to carry on the said undertaking, but so that the capital of the Company and the English Company shall be deemed to be one capital for the purposes of this Act, and so that the English Company shall not have any power in the Island of Barbados, separate or distinct from the power of the Company.

XVI. For the purpose of making the shares of the Company, constituted in England as aforesaid, identical with the shares

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in the Company according to the true intent and meaning of the said Articles of Association, it is hereby enacted that the certificates of shares in the English Company may be adopted, (with such variations as the case may require,) for the purposes of this Act as the certificates of shares of the Company so far as issued in the United Kingdom, and the endorsement provided by section 11 of this Act made thereon accordingly, and that subscriptions and payments to the capital of the English Company shall be deemed to be subscriptions and payments to the capital of the Barbados Company, for the purpose of enabling the Company to exercise all powers which by the provisions of the Acts are dependent on such subscriptions and payments.

Subscriptions to the Capital in England, shall be deemed to be subscriptions and payments to the capital of the Barbados Company.

XVII. The Governor in Council shall have power to appoint an Engineer or other proper person to inspect and report to the Governor-in-Council upon the condition and state of repairs of the line of Railway, Stations, rolling stock, and all other principal parts of the Railway, and such person shall have power once a year or oftener, if there be reasonable occasion for the same, to make a full and complete inspection of the said Railway and its works and appliances, and if such Inspector shall under his hand report to the Governor-in-Council, that the Railway or any material part thereof is not in proper working order, or that the rolling stock is not adequate in quantity or not in proper order, so as in either case to impair to an appreciable degree the satisfactory working of the Railway as a whole, the Governor-in-Council are hereby authorised and required to serve the Company with a notice in writing calling on them to make the necessary repairs, additions, or amendments, within a rea-

Appointment of an Engineer by the Governor-in-Council to report upon the condition, state of Repairs to the Railway line.

Inspection of Works &c. calling upon the Company to make repairs to the satisfaction of the Governor-in-Council.

sonable time, to be set out in the said notice to make such repairs, additions, or amendments, and in default of the Company making such repairs, additions, or amendments within the specified time, the payment of the sum guaranteed by the Colony shall be suspended from the time when the repairs, additions or amendments were required by the said notice to be completed, and during such period thereafter as they shall not be completed, to the satisfaction of the Governor-in-Council, the benefit of such guaranteed subsidy shall be lost to the Company; provided always, that in case of a difference of opinion between the Company's Engineer and the person appointed by the Governor-in-Council in respect of such necessary repairs, the same shall be submitted to the decision of an Umpire to be selected by the Referees and approved of by the Governor-in-Council.

BARBADDS RAILWAY COMPANY.

ARTICLES OF ASSOCIATION.

GENERAL.

The Barbados
Railway Company,
Limited.

1. The Barbados Railway Company, as incorporated and constituted by the enactments of the Legislature of the Island of Barbados, are hereinafter called "The Barbados Company," and the Barbados Railway Company, Limited, as incorporated and constituted in the United Kingdom, are hereinafter called "The English Company," and the expression "the Company," hereinafter used, refers to both Companies.

Defining terms.

2. All Directors, Officers and Servants of the Barbados Company shall be Directors, Officers and Servants of both Companies.

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All rights and obligations of the Barbados Company shall be rights and obligations of the English Company, and *vice versa*. All General Meetings of the Barbados Company shall be General Meetings of the English Company, and *vice versa*.

3. The expressions, "The Barbados Railway Company's Act," and "The Barbados Railway Company's Act Amendment Act," herein used, mean the Act of the Legislature of Barbados authorized to be so cited; all other references in these Articles to Acts of Parliament (except where the contrary is expressly mentioned,) refer to enactments of the Legislature of the United Kingdom.

Expressions.

4. In the construction of these Articles, words importing the singular number shall include the plural number, words importing the plural number shall include the singular number, words importing the masculine gender shall include the feminine gender, and words importing persons shall include Corporations.

Construction of Words.

BUSINESS.

5. The Company may have such Offices as the Directors may from time to time determine, provided that the Barbados Company shall have a principal Office in the Island of Barbados, and proper Officers and Servants thereat, for all the purposes of notice and other purposes required by the law of the Island of Barbados; provided also that the English Company may have a registered Office in London, and may by the Directors exercise all the powers given by the Companies' Seals Act, 1864.

Company's Offices

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Company may commence business at any time subject to Legislature.

6. The Company may commence business at any time, subject to the enactments of the Legislature of Barbados.

SHARES

£150,000 forming capital of the Company, may be issued at the discretion of the Directors.

7. The £150,000 forming the share Capital of the Company, may be issued in the discretion of the Directors, but so that of the share capital of the Barbados Company and the English Company, only so much shall be issued as shall together amount to the said sum of £150,000.

Preference Shares Dividend not to bear a higher rate than £6 per cent per annum.

8. The Directors may attach to any portion of the shares any special privileges with respect to preferential guaranteed or other dividend or interest or any other special conditions or restrictions. Provided that no class of preference shares shall be less than £50,000 or bear a higher preference dividend than 6 per cent per annum without the consent of the Company in general meeting.

Shares may be issued as Shares of £5 each, or a multiple of £5 and not exceeding £100.

9. Shares may be issued in the Discretion of the Directors, either as Shares of £5 each, or as Shares formed by consolidation of the said Shares of £5 each, and of any nominal amount, being a multiple of £5, and not exceeding £100.

Rights of Shareholders.

10. Shares may be issued by the Directors to such persons as they think fit. All Shareholders in the Barbados Company, shall, for the purposes of exercising all rights in the United Kingdom exercisable by members of the English Company under these Articles, and for the purpose of all Meetings of the English Company (but not so as to impose any liability not imposed on them by the law of Barbados,) be deemed to be Share-

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holders in the English Company, and all Shareholders in the English Company shall, for the purpose of exercising rights in the Island of Barbados, exercisable by Members in the Barbados Company, and for the purpose of all Meetings of the Barbados Company (but not so as to impose any liability not imposed on them by the law of England,) be deemed to be Shareholders in the Barbados Company, provided that the rights exercisable by members shall not be deemed for the purposes of this Article to include Special Resolutions, altering these Articles, or altering the Capital of the Company, which shall not have previously received the sanction of the Legislature of Barbados.

11. Shares in the Company may (subject to the provisions of the Companies' Act, 1867, as to the English Company) be issued as fully or partially paid up, in payment for work done or services performed for the Company, or in payment of moneys due by the Company.

Shares may be issued on payment for work done.

12. The Register of Members shall be open for the inspection of Shareholders, according to the 115th Section of the Barbados Railway Company's Act.

Register of Members.

13. If two or more persons are registered as joint holders of any Share, any one of such persons may give effectual receipts for any dividend payable in respect of such Shares.

Joint Holders of Shares may each give an effectual receipt.

14. The Company shall not be obliged to recognize any partial, equitable, future, or contingent interest in any Share, or any joint or divided liability in respect of any Share, or any other interest or liability in respect

Liability in respect of any share.

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of any Share, than the interest and liability of the registered holder thereof.

Certificate of the shares held may be had on payment of 2s. 6d.

15. Every Member shall be entitled, on payment of Two Shillings and Sixpence, or such less sum as the Directors may prescribe, to a Certificate under the Common Seal of the Company, specifying the Shares held by him, and the amounts paid up thereon.

Certificate may be renewed.

16. If such Certificate be worn out or lost, it may be renewed on payment of two shillings and sixpence, or such less sum as the Directors may prescribe.

On allotment of shares a payment may be required.

17. The Directors may require such moneys to be paid on application and allotment of Shares as they think fit, and may make such calls on Shares as they think fit, provided that the money payable on allotment shall not exceed one-tenth of the nominal amount of the Shares, and that the call shall be made in conformity with the provisions and restrictions of the 116th Section of the Barbados Railway Company's Act, and the 10th Section of the Barbados Railway Amendment Act and the provisions of Sections 116, 117, and 118 of the Barbados Railway Company's Act, and Section 10 of the Barbados Railway Amendment Act, shall apply to the English Company, so far as applicable, and the expression "this Act," therein used, shall for this purpose mean these Articles as taking effect under the Companies' Acts, 1862 and 1867.

Advances may be made beyond the sums actually due on shares.

18. The Company may, if they think fit, receive from any of the Members willing to advance the same, all or any part of the moneys due upon their respective Shares, beyond the sums actually called and upon the

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moneys so paid in advance, or so much thereof as from time to time exceeds the amount of the calls then made upon the Shares, in respect of which such advance shall have been made, the Company may pay interest at such rate as the Member paying such sum in advance and the Company shall agree upon.

TRANSFER AND TRANSMISSION OF SHARES.

19. The instrument of transfer of any Share of the Company shall be executed both by the transferor and transferee, and the transferor shall be deemed to remain a holder of such Shares, until the name of the transferee is entered in the register in respect thereof.

Transfer of shares,
how conducted.

20. Transfers of Shares in the Company may be made in the following form—

Arrangement of
Transfer.

I,
of
in consideration of the sum of £
paid to me by
hereby assign the Share (or Shares) numbered _____ standing in my name in the Books of the Barbados Railway Company (or the Barbados Railway Company, Limited), to hold to the said _____ subject to the several conditions on which I held the same at time of the execution hereof.

And I, the said
hereby agree to take the Share (or Shares) subject to the same conditions.

As witness our hands the _____ day
of _____ 1 _____

21. Before registration of any transfer the instrument of transfer shall be left at the Office of the Company, together with the Certificate of the Shares to be transferred, and to—

Registration of transfer.

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gether with any other evidence the Company may require to prove the title of the transferor and the transfer shall thenceforward be kept by the Company.

Directors may decline to Register Transfer of shares under certain circumstances.

22. The Directors may decline to register any transfer by a Member who is under any liability to the Company in respect of a debt or contract, or any transfer to any person whom they shall reasonably object to admit as a Member.

Fee not exceeding 2/6 to be paid for Registration of transfer of Shares.

23. There shall be paid in respect of the registration of any transfer or transmission of Shares such sum, not exceeding Two shillings and sixpence as the Directors shall from time to time prescribe.

Transfer Books may be closed.

24. The Transfer Books may be closed during such time preceding any General Meeting as the Directors may determine.

The Executors &c. of a deceased Shareholder.

25. The Executors or Administrators of a deceased Shareholder shall be the only persons recognized by the Company, as having a title to his Shares.

Persons interested in Shares other than a Shareholder, may be registered as a Shareholder.

26. Any person interested in a Share, in consequence of the death, bankruptcy, or insolvency of any Shareholder, or the marriage of any female Shareholder, or by any lawful means other than by transfer in accordance with these Articles, may, upon producing such evidence as the Directors think sufficient, be registered himself as a holder of such Shares, or may upon producing such evidence and executing a transfer in accordance with these Articles, have his Transferee registered as such holder

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SURRENDER OR RE-ISSUE OF SHARES.

27. The Directors may accept surrenders of Shares on such terms as they see fit, provided that no part of the assets of the Company shall be employed in the purchase of the Company's own Shares.

Surrender of shares

28. The Directors may sell any Share acquired by surrender, or may cancel such Share and issue a new Share in lieu thereof, and the new Share so issued in respect of any Share in either Company may be a Share either in the Barbados Company or in the English Company.

Directors may sell Shares acquired by surrender.

SALE OF SHARES.

29. For the purpose of giving effect to the sale of any Share acquired by the Company by forfeiture or surrender, the Directors may execute under the Company's seal the transfer of such Share to the purchaser thereof, and such transfer shall operate to confer the same rights upon the transferee, as if it had been executed by the Member in whose name the Share shall be registered, and this regulation may be pleaded in bar, or estopped to any action, suit or proceeding taken by the previous holder of such Share against the Company or the transferee.

Sale of Shares forfeited or surrendered.

BORROWING OF MONEY.

30. No moneys shall be borrowed by the Company under the authority of Barbados Railway Company's Act or otherwise without the consent of the holders of three-fourths or upwards of the shares for the time being issued, or if more than one class of shares be issued, without the consent of the holders of three-fourths or upwards of each class

Power of Company to borrow money.

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for the time being issued. Provided that this regulation shall not be deemed to apply to indebtedness for working and current expenses in ordinary course of business. Provided also that all shares of the Barbados Company and all shares of the English Company shall be deemed part of the share of the Company for the purposes of this regulation.

Form of securities.

81. The securities may be in such form, and may comprise such property as the Directors (in conformity with enactments of the Legislature of Barbados and subject to any stipulations which may be made part of the terms of the shareholders consent to the borrowing,) may determine.

CONVERSION OF SHARES INTO STOCK.

Paid up Shares may be converted into Stock.

32. The Directors may, with the sanction of the Company previously given in General Meeting, convert any paid up Shares into Stock, provided that three-fourths of the votes of the Shareholders present in person, or by proxy, at such Meeting, shall be required for such sanction.

Stock may be transferred.

33. When any Shares have been converted into stock, the several owners of such Stock may thenceforth transfer their respective interests therein, or any part of such interests in the same manner and subject to the same regulations as and subject to which any Shares in the Capital of the Company may be transferred, or as near thereto as circumstances will admit.

Participation of Holders of Stock in the profits of the Company.

34. The several holders of such Stock shall be entitled to participate in the dividends and profits of the Company, according to the amount of their respective interests in such Stock, and such interests shall, in

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proportion to the amount thereof, confer on the holders thereof respectively, the same privileges and advantages for the purpose of voting at Meetings of the Company and for other purposes as would have been conferred by Shares of equal amount in the Capital of the Company, but so that none of such privileges or advantages, except the participation in the dividends and the profits of the Company, shall be conferred by such aliquot part of consolidated Stock as would not, if existing in Shares, have conferred such privileges or advantages.

GENERAL MEETINGS.

35. The first General Meeting of the Company in Barbados shall be held within fifteen months from the passing of the Barbados Railway Amendment Act, and the first General Meeting of the Company in England shall be held within four months from the registration of the English Company.

First General Meeting to be held

36. A General Meeting (to be called "the Barbados Ordinary Meeting") shall be held once in every year in Barbados at such time and place as the Directors shall determine, and a General Meeting (to be called "the London Ordinary Meeting") shall be held once in every year in London at such time and place as the Directors shall determine. All other General Meetings of the Company shall be called "Extraordinary Meetings."

An Annual General Meeting.

37. The Directors may, whenever they think fit, and they shall, upon a requisition made in writing by not less than five in number of the Members of the Company, holding in the aggregate £3000 in Shares convene an Extraordinary General Meeting.

Extraordinary Meetings may be held.

Notice of Meeting of Members to be left at the Company's Office.

38. Any requisition made by the Members shall express the object of the Meeting proposed to be called, and shall be left at the registered Office of the Company.

Upon notice the Directors shall convene a Meeting.

39. Upon the receipt of such requisition, the Directors shall forthwith convene an Extraordinary General Meeting. If they do not convene the same within thirty days from the date of the receipt of the requisition, the Requisitionist, or any other Members amounting to the required number, and holding the required amount in Shares, may themselves convene an Extraordinary General Meeting, for the purposes specified in the Original Requisition, but not for any other purpose.

Meetings of the majority of paid up Share Capital held in Barbados.

40. If the majority of the paid-up Share Capital of the Company shall be held by persons residing out of the United Kingdom, the Barbados Ordinary Meeting shall be the Ordinary Meeting for the purposes of these Articles, and Extraordinary Meetings shall be held in Barbados, and if the majority of the paid-up Share Capital shall be held by persons residing in the United Kingdom, the London Ordinary Meeting shall be the Ordinary Meeting for the purposes of these Articles, and Extraordinary Meetings shall be held in London.

PROCEEDINGS AT GENERAL MEETINGS.

Proceedings at general meetings.

41 Seven days' notice at least, specifying the place, the day, and the hour of meeting, and in case of special business, the general nature of such business, shall be given to the Members in manner hereinafter mentioned, or in such other manner, if any, as may be prescribed by the Company in General Meeting, but the non-receipt of such notice by any Member shall not invalidate the proceedings at any General Meeting.

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42 All business shall be deemed special that is transacted at an Extraordinary General Meeting, and also all that is transacted at an Ordinary Meeting. with the exception of the re-election of retiring Directors, appointing Auditors, sanctioning of Dividends, and the consideration of the Accounts, Balance Sheets, and the ordinary Report of the Directors.

Business transacted at extraordinary general meetings and ordinary meetings.

43. If within one hour from the time appointed for the Meeting a quorum is not present, in person, or by proxy, the Meeting, if convened by Members, under the powers aforesaid, shall be dissolved. In any other case it shall stand adjourned to the same day in the next week, at the same time and place, or to such other day, at such other time and place, as the Members then present shall determine.

Meetings when a quorum is not present to stand adjourned.

44. No business shall be transacted at any General Meeting, except the declaration of a Dividend, unless a quorum of Members is present in person or by proxy, at the time when the Meeting proceeds to business. Such a quorum shall be ascertained as follows—that is to say, if the persons who hold Shares, or are entitled to the rights of Shareholders in the Company, at the time of the Meeting do not exceed 100 in number, the quorum shall be 5 if they exceed 100 there shall be added to the above quorum one for every 100 additional Members. Provided, nevertheless, that ten Members holding together, not less than 3000 Shares shall in all cases form a sufficient quorum, provided also, that for the purposes of a quorum at least 5 Members must always be present in person.

Rights of Shareholders at any general meeting for the purposes of a quorum, 5 members must be present.

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Adjourned meetings may stand adjourned *sine die*.

45. At any such adjourned General Meeting originally convened by the Directors, with or without requisition from Members, the Members present, whatever their number, shall have power to decide on all matters which might have been disposed of at the Meeting from which the adjournment took place if a quorum had been present thereat; if at any adjourned Meeting not convened by the Directors a quorum is not present, the Meetings shall be adjourned *sine die*.

The appointment of a Chairman.

46. The person (if any) appointed in that behalf by the Directors to be the Chairman of General Meetings, shall preside as Chairman at General Meeting of the Company.

Members present may choose a Chairman.

47. If there is no such appointed Chairman or if at any Meeting he is not present within fifteen minutes after the time appointed for holding the Meeting, the Members present shall choose one of their number to be Chairman.

Chairman may adjourn any meeting.

48. The Chairman may, with the consent of the Meeting, adjourn any Meeting from time to time and from place to place, but no business shall be transacted at any adjourned Meeting other than the business left unfinished at the Meeting from which the adjournment took place.

Resolutions carried at any meeting.

49. At any General Meeting, unless a poll is demanded by at least five Members, a declaration by the Chairman, that a resolution has been carried, and an entry to that effect in the book of proceedings of the Company, shall be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favour or against such resolution.

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50. No poll shall be demanded on the ap- No poll on appoint-
pointment of a Chairman or on a question of ment of a Chairman.
adjournment.

51. If a poll is demanded by five or more Members, it shall be taken in such manner as the Chairman directs, and the result of such poll shall be deemed to be a resolution of the Company in General Meeting. In case of an equality of votes (either on a show of hands, or on a poll) at any General Meeting the Chairman shall be entitled to a second or casting vote.

When a poll is de-
manded, how taken.

VOTES OF SHAREHOLDERS.

52. Every Shareholder shall have one vote. Votes of Share-
If he holds ten Shares or upwards he shall holders.
have one additional vote, and if twenty Shares or upwards he shall have two additional votes, and so on in proportion for each additional number of ten Shares held by him. Provided that no Shareholder shall have more than thirty votes. Provided also that no Shareholder shall have a right to vote in favor of any special resolution, having the effect of making any alteration in these Articles or any increase or alteration in the Capital of the Company which shall not have previously received the sanction of the Legislature of Barbados, or on any resolution for winding up the Company without the like sanction.

53. If any Member is a lunatic or idiot, Guardians, Tutors,
he may vote by his Committee or other legal Curators may vote.
Curator; and if any Member is a minor, he may vote by his Guardian, Tutor, or Curator, or any one of his Guardians, Tutors, or Curators, if more than one.

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No Member shall be entitled to vote, unless all calls due have been paid up.

54. No Member shall be entitled to vote at Meetings unless all Calls due from him have been paid, and no Member shall be entitled to vote at any Meeting held after the expiration of three months from the registration of the Company, in respect of any Share acquired by transfer (other than a transfer to give effect to a transmission, on death or marriage), unless such transfer shall have been left for registration, at least three months, before the Meeting at which he proposes to vote.

Joint holders of Stock.

55. If two or more persons are jointly entitled to any Shares or Stock, the person whose name stands first in the register as one of the holders of such Share or Stock, and no other, shall be entitled to vote in respect of the same.

Votes may be given personally or by proxy.

56. Votes may be given either personally or by proxy. The instrument appointing a proxy shall be in writing under the hand of the appointor, or if such appointor be a Corporation under their Common Seal, and the instrument or mandate appointing the proxy shall be deposited at the principal office (in Barbados or London accordingly as the Meeting is going to be held in Barbados or London) not less than twenty-four hours before the Meeting at which it is to be used.

Attorney may act as Proxies.

57. Persons duly authorized by Powers of Attorney may act as proxies, or (if so authorized by the power) may, by such instrument of proxy as provided by these Articles, appoint others to act as proxies for the person having given the Power of Attorney in that behalf.

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58. No person shall act as proxy unless he be entitled to act as a Member of the Company, and qualified to vote, and no instrument of proxy other than a Power of Attorney under seal shall be valid after the expiration of twelve calendar months from the date of its execution, except that it may be used on any adjournment of the Meeting for which it was originally intended to be given. Qualification of Proxies.

59. Instruments of Proxy may be in the form following, or in a form to the effect following :— Form of Instrument of proxy votes

THE BARBADOS RAILWAY COMPANY.

(The Barbados Railway Company, Limited.)

I,
of
being entitled to act as Member of the above Company, hereby appoint
of
also entitled as aforesaid, to be my proxy at the Ordinary (or "Special" or "Adjourned") General Meeting of the Company, to be held on the
day of next,
and at any adjournment thereof, and to vote for me and in my name upon all questions before such Meeting.

Dated this day of
18 ,

60. If any votes are given, or counted at a General Meeting, which shall afterwards be discovered to be improperly given, or counted, the same shall not affect the validity of any resolution, or thing passed or done at the said Meeting, unless the objection to such votes be taken at the same Meeting, and not in that case unless the Chairman Objection to votes given.

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shall then and there decide that the error is of sufficient magnitude to affect such resolution, or thing.

DIRECTORS.

Appointment of
Directors.

61. The first Directors shall be five persons appointed by a majority of the persons whose names are set forth in the first section of the Barbados Railway Company's Act, and five or more persons appointed by the Subscribers of the Memorandum of Association of the English Company, and one person who may be appointed by the Governor-in-Council during pleasure, and any of such persons so appointed shall have all the powers of Directors notwithstanding that the whole number are not appointed. Provided always that the appointment of the person who may be appointed by the Governor-in-Council shall not extend beyond the Twenty years to which the Government Guarantee applies or such further time, as any monies may be due and owing by the Company to the Government for payments made to them under the Guarantee.

Time in which Directors shall continue in office.

62. The first Directors shall continue in office until the Second Ordinary Meeting, and at that Meeting the Company in General Meeting shall elect or re-elect Directors of the Company. The number of Directors shall not be more than Thirteen or less than Eleven and so far as possible (consistently with vacancies occurring by death or otherwise) the number of Directors domiciled in Barbados shall be at least in the same proportion to the number of Directors domiciled elsewhere, as the amount of Share Capital held by persons domiciled in the Island of Barbados shall bear to the amount of Share Capital held by persons domiciled

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elsewhere, provided that there shall be always five Directors in Barbados.

63. The qualification of a Director shall be holding 25 Shares in his own right.

Qualification of a Director.

64. The office of any Director shall (subject as herein mentioned) be vacated :—

The office of Director shall be vacated under certain circumstances.

- (a) If he become Bankrupt, or suspend payment, or compound with Creditors.
- (b) If he cease to hold a Share qualification.
- (c) If he become of unsound mind, or otherwise unfit to attend to business.
- (d) If he absent himself from Meetings of the Directors for more than 4 months at any one time without leave of the Directors.
- (e) If he shall have given notice in writing of his resignation.
- (f) If he, either directly or indirectly, participate in the profits of any Contract made with the Company, or hold any place of profit under the Company, except that of Managing Director.

Provided that there shall (except in case of want of Share qualification) be a resolution of the Directors or of the Company in General Meeting, to the effect that such vacation of Office shall take place, and the Directors shall have full discretion (subject to the power of the Company in General Meeting), as to passing, or not passing such resolution.

65. At the third Ordinary Meeting, and at the Ordinary Meeting in every subsequent year, two of the Directors for the time being shall retire from office, provided that the Company in General Meeting, may, on the

* Retirement of Directors.

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appointment of any Director to be Managing Director, exempt him from the provisions of these Articles, as to retirement for such period (not exceeding 5 years) as they think proper.

Directors who retire to be determined by ballot.

66. The two Directors who shall retire at the third Ordinary Meeting shall (unless the Directors agree amongst themselves) be determined by ballot. At the next ensuing Ordinary Meeting, the two of the remaining Directors who shall then retire shall also (unless the Directors agree amongst themselves) be determined by ballot, and at the Ordinary Meeting in every subsequent year, two of the Directors to be determined by ballot, from among those who have been longest in office (unless they agree amongst themselves) shall retire.

Vacated offices of Director when filled up.

67. The Company, at the General Meeting at which any Directors retire in manner aforesaid, shall fill up the vacated offices by the election of Members duly qualified.

Retiring Directors shall be eligible for re-election.

68. A retiring Director shall be deemed to hold office till the conclusion of the Meeting, at which he retires, and shall be eligible to be re-elected, and shall be deemed to offer himself for re-election, unless he shall have given to the Company notice in writing of a contrary intention.

Notice of intention to offer services as Directors to be given.

69. No person other than a retiring Director, or a person proposed by the Directors, shall be eligible to supply the place of a Director retiring by rotation, unless he shall have given to the Company notice in writing of his intention to offer himself as a candidate at least seven days, and not more than one month previously to the day of election.

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70. Any casual vacancy occurring in the office of Director may be filled up by the Directors by the election of a Member duly qualified, but any person so chosen shall retain his office so long only as the vacating Director would have retained the same if no vacancy had occurred. The continuing Directors may act notwithstanding any vacancy in their body.

Vacancies in the office of Director.

71. If at any Ordinary Meeting at which Directors retire, new Directors are not elected to supply their place, the Company in General Meeting may declare that such vacancies shall not be filled up until the Company in General Meeting shall so determine. Subject as aforesaid, all vacancies not filled up shall be casual vacancies within the meaning of these Articles.

When vacancies not filled up.

72. The Directors after the opening of the Railway to public traffic, shall be entitled to such remuneration at the rate of £300 per annum (to be divided between them, as they may determine), or at such greater rate as shall from time to time be fixed by the Company in General Meeting, and the Director, if any, appointed by the Governor-in-Council, shall be entitled to remuneration at such rate as the Company may in like manner from time to time determine.

Remuneration of Directors.

POWERS OF DIRECTORS.

73. The business of the Company shall be managed by the Directors, who may pay all expenses incurred in obtaining enactments of the Legislature of Barbados and in getting up and Registering the Company, and in surveys, reports, and matters incidental or preliminary to the matters aforesaid, and may exercise all such powers of the Company as

Business of the Company to be managed by the Directors.

are not by the enactments of the Island of Barbados, or by the Company's Acts, 1862 and 1867, or by these Articles, required to be exercised by the Company in General Meeting, and no regulation hereafter made by the Company in General Meeting shall invalidate any prior act of the Directors, which would have been valid if such regulation had not been made.

Directors' Powers.

74. The Directors may (as part of the general powers aforesaid), exercise their absolute discretion as to the contract for the construction of the Railway and Works, the provision of land, and the equipment of the Railway, and as to the provision for all expenses incurred, and to be incurred in respect thereof, by the issue of shares and debentures or otherwise. Provided that the Company shall be bound by all arrangements already made binding on the Barbados Company by the Directors of the Barbados Company, under the Deed of Settlement with respect to the said matters, and with respect to the issue of shares and debentures for the purpose of paying or making provision for the said matters.

Managing Director.

75. The Directors may delegate any of their powers (other than powers as to the financial affairs of the Company) to a Managing Director, and may delegate any of their powers to Committees of two or more of their body.

Matters done by a Director receiving the consent of the Company in general meeting not to be impeached.

76. No act, matter, or thing, within the power of the Company in General Meeting, done by the Directors, or by a Managing Director, or Committee, and adopted by the Directors, which shall afterwards receive the express or implied consent of the Company in

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General Meeting, shall be afterwards impeached on any ground whatever.

PROCEEDINGS OF DIRECTORS.

77. The Directors may determine the mode and regulation of their own proceedings, and appoint their own Chairman, and give him such powers (including the exercise of a casting vote in proceedings of Directors) as they think fit, and determine the quorum for meeting of the Directors, and the Committees respectively, except as the Directors may otherwise determine; three shall form a quorum.

Proceedings of Directors.

78. Any Committees or Committee appointed by the Directors shall conform to any mode of proceeding and regulations which the Directors may make in that behalf, and subject thereto shall determine and regulate their own proceedings in the same manner as the Directors may do.

Committee appointed by Directors shall conform to regulations made by Directors.

79. All acts done by any Meeting of the Directors or of any Committee of the Directors, or of any person acting as a Director shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment of any Director, or any person acting as aforesaid, or that any such Director or person was disqualified, be as valid as if such Director or person had been duly appointed and qualified.

Acts done at meeting of the Directors or at Committee Meetings to be valid.

80. The Directors shall keep proper minutes of their proceedings, and all acts done in pursuance of anything appearing by such minutes, to be resolved upon or authorized by the Directors, shall be deemed to be acts of the Directors within the meaning of these Articles.

Minutes to be kept of proceedings of Directors.

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DIVIDENDS.

Dividends how declared.

81. The Directors may, with the sanction of the Company in General Meeting, declare a dividend, to be paid to the Members in proportion to their Shares, or to the amounts paid up thereon, as the case may be, and may, in declaring and paying such dividend, give effect to any preference or priority attached to any Share on the issue thereof, and no dividend shall be paid other than that recommended by the Directors.

Interim Dividends may be paid.

82. The Directors may, without obtaining the sanction of a General Meeting, pay an interim dividend by way of making the payments of dividend half-yearly, according to the terms of the Government Guarantee.

Payment of Interest.

83. The Directors may, out of any funds of the Company, pay such sums (if any) as may be required for payment of interest, at the rate of 4 per cent. per annum, to the Shareholders until the opening of the Railway authorized by the Barbados Railway Company's Act, in the event of the same not being completely covered by the Government Guarantee, but subject as aforesaid, no Dividend shall be paid otherwise than out of profits of the Company.

Reserve Fund.

84. The Directors may, before recommending any dividend, set aside out of the profits of the Company, such sum as they think proper, as a Reserve Fund, to meet contingencies, or for repairing or maintenance of works connected with the business of the Company, or any part thereof, and the Directors may invest the sum so set apart as a Reserve Fund upon such investments (other than Shares of the Company) as they may select, without being liable for any loss or

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depreciation in consequence of such investment, whether the same be usual or authorized investments for trust funds or not.

85. The Directors may deduct from the Dividends payable to any Member all such sums of money as may be due from him to the Company on account of Calls or otherwise.

Deductions on account of calls due by any member.

86. Notice of a Dividend that may have been declared shall be given to each Member in manner hereafter mentioned, and all Dividends unclaimed for two years, after having been declared, may be forfeited by the Directors for the benefit of the Company.

Notice of a Dividend shall be given to each member.

87. No Dividend shall bear interest against the Company.

Dividends shall not bear interest.

ACCOUNTS.

88. The Directors shall cause true accounts to be kept of all the receipts, credits, payments, assets and liabilities of the Company, and of all other matters necessary for showing the true state and condition of the Company, and the accounts shall be kept in such books, and in such manner, as the Directors think fit, and to the satisfaction of the Auditors.

Keeping of accounts.

89. The books of accounts shall be kept at such place or places as the Directors appoint, and subject to any reasonable restrictions as to the time, and manner of inspecting the same, that may be imposed by the Directors, shall be open to the inspection of Members during the hours of business.

In what manner accounts to be kept.

90. Once at least in every year the Directors shall lay before the Company, in General Meeting, a statement made up to a date not more than three months before the

Directors to make once a year a report of the state and condition of the Company.

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Meeting, of the income and expenditure of the Company from the foot of the last statement, or, in case of the first statement, from the commencement of the Company, and every such statement shall be accompanied with a Report of the Directors as to the state and condition of the Company.

Balance Sheet to be made once a year.

91. A general Balance Sheet shall be made out in every year, and laid before the Company in General Meeting, and shall contain a summary of the assets and estimated liabilities of the Company, made up to the same date, and arranged under convenient heads.

AUDIT.

Accounts to be audited.

92. The accounts of the Company shall be annually examined, and the correctness of the Balance Sheet ascertained by one or more Auditor or Auditors, to be elected by the Company at the Ordinary Meeting in each year. The first Auditor shall be appointed by the Directors, and continue in office until the second Ordinary Meeting of the Company.

Appointment of Auditors.

93. If one Auditor only is appointed, all the provisions herein contained relating to Auditors shall apply to him.

Auditor may be a member of the Company.

94. The Auditors may be Members of the Company, but no Director or other Officer of the Company shall be eligible as an Auditor during his continuance in office, and no other person who is interested, otherwise than as a Member, in any transaction of the Company, shall be eligible as an Auditor during the continuance of his interest.

Remuneration of Auditor.

95. The remuneration of the first Auditor shall be fixed by the Directors, that of sub-

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sequent Auditors shall be fixed by the Company in General Meeting.

96. Any retiring Auditor shall be eligible for re-election. Auditor retiring may be re-elected.

97. If any casual vacancy occur in the office of any Auditor appointed by the Company, the Directors shall forthwith call an Extraordinary General Meeting for the purpose of supplying the same. Casual vacancy of Auditor how supplied.

98. If no election of Auditors is made in manner aforesaid, the Principal Secretary of State for the Colonies may, on the application of not less than five Members of the Company appoint an Auditor for the current year, and fix the remuneration to be paid to him by the Company for his services. The Secretary of State may be asked to appoint an Auditor.

99. Every Auditor shall have a list delivered to him of all books kept by the Company, and shall at all reasonable times have access to the books and accounts of the Company, and may at the expense of the Company employ Accountants and other persons to assist him in investigating such Accounts, and may, in relation to such Accounts, examine the Directors, or any other Officer of the Company. Company's Books to be delivered to Auditor

100. The Auditor shall certify the correctness of the Balance Sheet and Accounts, and shall make a report thereon, and such report shall be read, together with a Report of the Directors, at the Ordinary Meeting. Auditor to certify correctness of Balance Sheet.

NOTICES.

101. Notices of Meetings to be held in Barbados may be served upon any Member registered as residing in Barbados, either personal- Notices of Meetings how served on members in Barbados

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ly, by leaving the same or sending the same through the post in a prepaid letter, addressed to such Member at his registered address. Notices of such Meetings may be served upon any member who has given to the Company an address in Barbados for service in Barbados, by leaving the same or sending the same through the post in the prepaid letter addressed to such member. Notices of such Meetings advertised once or more in the "Official Gazette" of the Island of Barbados shall be sufficient notice to all members, provided that one of such advertisements be at least seven and not more than ten days before the day for the Meeting.

Notices of Meetings, how served on members residing in England.

102. Notices of Meetings to be held in London may be served upon any Member registered as residing in the United Kingdom, either personally, by leaving the same or sending the same through the post in a prepaid letter addressed to such Member at his registered address. Notices of such Meetings may be served upon any Member who has given to the Company an address in the United Kingdom for service in the United Kingdom, by leaving the same or sending the same through the post in a prepaid letter addressed to such Member. Notices of such Meetings advertized once or more in the "Times" or other principal London Newspaper shall be sufficient notice to all Members, provided that one of such advertisements be at least seven and not more than ten days before the day for the Meeting.

Notices when deemed sufficient notice.

103. All notices directed to be given to the Members shall, with respect to any Share or Shares to which persons are jointly entitled, be given to whichever of such persons is named first in the register of Members,

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and notice so given shall be sufficient notice to all the holders of such Share or Shares.

104. Any notice, if sent by post, shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post office.

Notices sent by post.

105. Every person who by operation of law transfer or other means whatsoever, shall become entitled to any Share, shall be bound by, and be deemed to have knowledge of every notice, circular, offer, or other document, which, previously to his name and address being entered on the register in respect of such Share, shall have been served as aforesaid on the person from whom he derives his title to such Share.

Persons becoming entitled to Shares by operation of law or otherwise to be deemed to have received notice if duly served.

CAP. XII.

[9th May, 1878.]

An Act to make further provision in aid of the Police Reward Fund.

WHEREAS the income of the Police Reward Fund consists of monthly stoppages from the pay of the Force, of fines imposed on police constables, by the Inspector General of Police and otherwise, and of penalties and portions of penalties awarded to police constables and paid by Police Magistrates into the Public Treasury. And whereas it appears that the annual amount of the sums thus provided by law to maintain the Police Reward Fund, is insufficient to meet the charges to which the same is liable,

Preamble.

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and it is deemed expedient to make further provision in aid thereof: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

An annual sum of £1,700 granted in aid of the Police Reward Fund.

I. The annual sum of One thousand seven hundred pounds, to be computed from the First day of January, One thousand eight hundred and seventy-eight, is hereby granted from the Public Treasury in aid of the Police Reward Fund, and the same shall be drawn for quarterly by the Consolidated Board of Commissioners, by Warrant of the Governor-in-Council.

Persons joining the Police Force after 1st Feby., 1873, to be subject to alterations in respect of contributions.

II. All persons joining the Police Force on and after the First day of February, One thousand eight hundred and seventy-three, and who may become entitled to receive the benefits of the Police Reward Fund by virtue of service in such Force, shall be subject to any alterations that may hereafter be made by the Legislature in respect of the contributions they are to make to such fund, and in respect of the pensions or other allowances to be granted to them or their families on retirement from the Police Force or otherwise.

Repealing Act of 4th June, 1857.

III. The Act of the Fourth day of June, One thousand eight hundred and fifty-seven, entitled "An Act to make further provision in aid of the Police Reward Fund" shall be and the same is hereby repealed.

Duration of Act.

IV. This Act shall continue in force to the Thirty-first day of December, One thousand eight hundred and seventy-nine.

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CAP. XIII.

[11th May, 1878.]

An Act to revive and continue in force for a further limited period, the Act of the 27th day of July, 1876, entitled "An Act for a grant of money for Educational purposes."

WHEREAS the Act of the 27th day of July 1876, entitled "An Act for a grant of money for Educational purposes," expired on the 31st day of March in the present year, and it is deemed expedient to revive and continue the same in force for a further limited period, with certain amendments : Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :

Preamble.

I. The said Act shall be deemed not to have expired on the Thirty-first day of March in the present year, but is hereby revived and continued in force until the Thirty-first day of December, One thousand eight hundred and seventy-eight, subject to the amendments hereinafter contained.

Recited Act revived and continued in force to 31st Decr., 1878, subject to amendments.

II. In every case where the words Nine thousand two hundred pounds occur in the said Act, there shall be substituted and read instead thereof, the words Three thousand five hundred pounds, and instead of the words "two years" there shall be read the words "nine months, to be computed from the First day of April, One thousand eight hundred and seventy-eight."

Amount of Grant £3,500 for 9 months from the 1st April, 1878.

III. So much of the second section of the said Act as provides that a travelling allowance shall be made to the Inspector of Schools, shall be and shall stand repealed on

Proviso for repeal of travelling allowance of Inspector of Schools under certain contingencies.

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the passing of any Education Act, fixing the salary of the Inspector of Schools at Four hundred pounds per annum.

Powers of Education Committee to be vested in any Education Board which may be established.

IV. The powers and duties by the said Act vested in the Education Committee, shall devolve and be vested without further express enactment in any general Education Board, which may be established on the passing of any Education Act as aforesaid.

CAP. XIV.

[20th May, 1878.]

An Act to provide for the payment of the Jurors, who may be returned to serve at the Court of Grand Sessions, under the Act of the 3rd May, 1855, entitled "An Act to amend the Act relating to Jurors and Juries."

Preamble.

WHEREAS by the Act of the Third of May, One thousand eight hundred and fifty-five, entitled "An Act to amend the Act relating to Jurors and Juries," all male subjects of Her Majesty, her heirs and successors, who may have the qualification therein mentioned, shall be liable to serve on all Juries, except on Grand or Special Juries : And whereas no provision is made by the said Act for the payment of the Jurors returned to serve at the Court of Grand Sessions : And whereas by an Act of the Twenty-sixth day of October, One thousand eight hundred and thirty-six, entitled "An Act for the support of the Freeholders, who may hereafter be returned to serve as Jurors at the Court of Grand Sessions, and for the support of the Marshals and Constables who may be in attendance of the said Court," provision only is made for the payment of

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Freeholders : And whereas it is expedient to make provision for the payment of all Jurors who may be returned to serve at the Court of Grand Sessions under the said recited Act, of the Third day of May, Onethousand eight hundred and fifty-five: Be it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

I. Wheresoever in the aforesaid recited Act of the Twenty-sixth day of October, One thousand eight hundred and thirty-six, the words “ Freeholder or Freeholders ” shall appear, the words “ person or persons ” shall be and are hereby substituted therefor.

Extends benefits of Act of 1836 to all persons returned to serve as Jurors.

CAP. XV.

[22nd May, 1878.]

An Act to repeal so much of the Sixteenth Clause of An Act entitled “ An Act to consolidate and amend the Laws relating to the Police,” as fixes the daily ration for the keep of the Horses of the Police Force.

WHEREAS by the Sixteenth Clause of the Act of Twenty-ninth July, One thousand eight hundred and fifty-two, entitled “ An Act to consolidate and amend the Laws relating to the Police,” a daily ration is provided for each Horse of six pounds of Oats, or an equivalent in Guinea Corn and at the rate of seventy-five pounds of Green forage or twelve pounds of Hay. And whereas it is deemed expedient to repeal so much of the Sixteenth Clause of the said recited Act as provides for the keep of the Horses of the Police Force, and

Preamble.

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to vest a discretionary power in the Consolidated Board of Commissioners to fix the ration: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

The Consolidated Board are empowered to authorise the Inspector General of Police to issue such quantity of forage as they shall think requisite.

I. From and after the passing of this Act, the Consolidated Board of Commissioners shall be and they are hereby vested with full power and authority, to authorise the Inspector-General of Police to order and issue such quantities of oats, corn, green forage and hay, or other food as they shall think requisite for the feed of the Police Horses.

Repealing part of 16th clause of Police Act of 1852.

II. So much of the Sixteenth Clause of the said recited Act of the Twenty-ninth July, One thousand eight hundred and fifty-two, as fixes the rations to be allowed for the keep of the Horses of the Police Force, shall be and the same is hereby repealed.

CAP. XVI.

[5th June, 1878.]

An Act to authorise the Vestry of the Parish of St. Michael to increase the salary of the Churchwarden's Clerk of the said Parish.

Preamble.

WHEREAS by an Act of the Fourth day of March, One thousand eight hundred and seventy-four, entitled "An Act to authorise the Churchwarden of the Parish of Saint Michael to appoint a Clerk," it is enacted that it shall be lawful for the Churchwarden for the time being, of the said Parish of Saint Michael, to appoint a Clerk, and that it shall be lawful for the Vestry of the said parish to pay out of the funds

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of the said parish the sum of Fifty pounds per annum to the said Clerk, on his producing a certificate of his appointment, signed by the Churchwarden. And whereas, the duties of the Clerk of the Churchwarden of the said Parish of Saint Michael have of late years very much increased, and it is deemed expedient to increase his pay: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same—

That from and after the passing of this Act, the said Act of the Fourth day of March, One thousand eight hundred and seventy-four, shall read and be taken as if the words "Seventy-five pounds" had been written in the said Act, instead of the words "Fifty pounds," and such increased salary shall be paid from the Twenty-fifth day of March last: Provided always that the Clerk of the Vestry shall not be the Clerk of the Churchwarden.

Increasing the salary of the Churchwarden's Clerk from \$50 to £75 per annum.

CAP. XVII.

[18th June, 1878.]

An Act for Incorporating "The Barbados Windward and Leeward District Court and its Branches, of the Ancient Order of Foresters Friendly Society."

WHEREAS the above Society have by their Petition to the House of Assembly, set forth that the objects of the above Society are to raise a fund by entrance fees, subscriptions of members, fines, donations, and by interest on Capital, for insuring a sum of money to be paid on the death of a member to the widow, or children, or Executors, Administrators or Assigns of such member,

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or for defraying the expenses of the burial of a member, and also for insuring a sum of money to be paid to a member on the death of his wife, for the relief of members in sickness and old age, for providing proper medicine and medical attendance for members, for granting temporary assistance to the widows and children of deceased members, for providing members with assistance when travelling in search of employment, and for assisting in distressed circumstances. And that they are desirous of obtaining An Act of the Legislature Incorporating them for the better carrying out the objects of the Society. And whereas it appearing that such an Institution will be a great advantage to the Public, it is deemed expedient to encourage and promote the same, by Incorporating the said Society with such privileges and immunities, and subject to the restrictions and limitations hereinafter contained: Be it therefore enacted by the Governor, Council and Assembly of this Island, and by the authority of the same, as follows :—

Name of the Society.

I. The present and all future members of the Society shall be, and they are hereby declared and adjudged to be one body politic and corporate by the name of "The Barbados Windward and Leeward District Court and its Branches of the Ancient Order of Foresters Friendly Society," and by that name shall and may have perpetual succession, and shall and may sue, and may be sued in all Courts of Law and Equity, and before all Magistrates, Justices and others, in all manners of actions, suits, complaints, matters and causes whatsoever; and shall and may have a Common Seal, and the same may vary and alter at their pleasure, and by the name

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aforesaid shall be in law capable of holding all such Estates, real and personal, as have been already acquired by them ; and of having, taking, and holding for ever hereafter, other estate, real and personal, either by purchase, gift, devise, or legacy, for the use and benefit of the said Society : provided nevertheless that such real estate shall not exceed in value the sum of Five thousand pounds sterling.

II. The funds as well as the real estate and effects of the Society, shall be alone subject and liable to any charge and demand against the Society, and no subscribers to the capital of the Society shall be liable for, or charged with the payment of any debt or demand due from or by the Society, beyond the extent of the abovesaid funds, property and effects of the Society.

The funds of the Society are alone liable to charges against the Society.

III. The Committee of Management of the said Society shall have full power and authority to make, ordain, establish, and put into execution any bye-laws, ordinance, rules and regulations for and concerning the nomination, election, suspension, removal and expulsion of members and Officers, and the management, collection, and disposal of the funds, moneys or estates belonging to the said Society, and for conducting and regulating the business affairs and concerns of the said Society, and relative to any other matter or thing whatsoever, which may in any wise concern the good government of the said Society : and the same from time to time to change, repeal or vary as may seem proper : Provided always that no such bye-laws, ordinances, orders, rules and regulations be in any wise repugnant or contrary to Her Majesty's Prerogative Royal, or to the laws of Great Bri-

Powers of the Committee of Management.

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tain or this Island, and the same shall not in any manner affect any other person or persons but those who are or may become members of the said Society; And it shall be lawful for the Committee of Management of the said Society to fix and appoint all or any reasonable and adequate fines, forfeitures and penalties for the non-observance, non-performance or breach thereof and for enforcing the due observance thereof.

**Recovery of Fines
&c.,**

IV. All fines, forfeitures and penalties to be incurred by virtue of any bye-law, ordinance, order, rule or regulation to be made, ordained and established as aforesaid, and all sums of money to become due to the said Society from any members of the said Society, shall be sued for and recovered in a summary way before any Police Magistrate of this Island on the complaint of the Chief Ranger of the Society, as in the case of servants' wages, and all and every the Police Magistrates of this Island are hereby authorized and required to take cognizance thereof accordingly, and all fines, forfeitures and penalties when received, or the overplus thereof after deducting necessary charges, shall be paid into the hands of the Treasurer of the said Society for the time being for the use of the said Society.

**Custody of money
received for fines.**

Any person circulating fraudulent Rules shall be deemed guilty of a misdemeanor.

V. If any person with intent to mislead or defraud, gives to any other person a copy of any rules, laws, regulations or other documents, other than the rules for the time being registered under this Act, on the pretence that the same are the existing rules of this Society, the person so offending shall be deemed guilty of a misdemeanor.

VI. Any member or person having an in-

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terest in the funds of the Society shall be at liberty to inspect the Books at all reasonable hours at the Registered Office of the Society, or at any place where the same are kept, except that no such member or person, unless he be an Officer of the Society, or be specially authorized by a resolution of the Society to do so, shall have the right to inspect the loan account of any other member without the written consent of such member, and such member or person shall and may take copies of or extracts from the said Books or any part or parts thereof; and in case the person or persons in whose custody such Books shall remain shall on any reasonable demand refuse to permit or shall not permit such member or person to inspect the said Books or to take such copies or extracts as aforesaid, such person or persons in whose custody such Book or Books shall be, shall forfeit and pay to the party aggrieved any sum not exceeding Five pounds for every such offence, same to be recovered before any Police Magistrate for the parish in which such offender resides, as in the case of servants' wages, on the complaint of the party aggrieved.

Inspection of the Books by any Member of the Society.

VII. When any person being or having been a Trustee of the Society, and whether appointed before or after the legal establishment thereof, in whose name any stock belonging to such Society transferable at the Colonial Bank or Savings' Bank, or any other security whatsoever is standing, either jointly with another or others, or solely, is absent from the Island or becomes bankrupt, or files any petition or executes any deed for liquidations of his affairs by assignment, or arrangement, or for composition with his Creditors, or becomes a Luna-

Trustees of the Society refusing to act.

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tic or is dead, or has been removed from his office of Trustee or refuses in any way to act in pursuance of his trust; or if it be unknown whether such person is living or dead, the Chief Judge of the Court of Common Pleas for Barbados on application by petition from the Chief Ranger and three members of the Society, and on proof satisfactory to him, may direct the transfer of the stock into the names of any other persons as Trustees for the Society, and such transfer shall be made by the surviving or continuing Trustees; and if there be no such Trustee, or if such Trustees refuse or be unable to make such transfer, and the Chief Judge so direct, then by the Manager of the Colonial Bank or Savings' Bank and all other persons entitled to make such transfer as the case may be, and the Directors of the Colonial Bank and Savings' Bank and all other persons as aforesaid respectively, are hereby indemnified for anything done by them, or any of their Officers in pursuance of this provision, against any claim or demand of any person injuriously affected thereby.

Society to have a preferential claim on Estate of a deceased officer or Bankrupt for money or property belonging to the Society.

VIII. Upon the death or bankruptcy or insolvency of any Officer of the Society having in his possession by virtue of his Office any money or property belonging to the Society, or if any execution attachment or other process be issued, or action, or diligence raised against such Officer, or against his property, his heirs, executors or administrators, the Trustees or Official Assignee in Bankruptcy or Insolvency or the Provost Marshal or other person executing such process, or the party issuing such action or diligence respectively, shall upon demand in writing of the Trustees of the Society, or any two of them or any person authorized by the Socie-

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ty, or by the Committee of Management of the same, to make such demand, pay such money and deliver over such property to the Trustees of the Society in preference to any other debts or claims against the Estate of such Officer.

IX. All property belonging to the Society, whether already acquired or hereafter to be acquired, shall vest in the Trustees for the time being of the Society for the use and benefit of the Society and the Members thereof, and of all persons claiming through the members according to the rules of the Society, and the property of any branch of the Society shall vest in the Trustees of such Branch, or in the Trustees of the Society, if the rules of the Society so provide, for the use and benefit either of the members of such branch and persons claiming through such members, or of the members of the Society generally and persons claiming through them according to the rules of the Society.

The property of the Society vested in Trustees for the time being.

X. The Treasurer of this Society and every Treasurer hereafter appointed, or any other Officer who is required by the rules to give security, shall immediately on the passing of this Act, become bound with one sufficient surety in a bond according to the form set forth at the foot of this Act, in such penal sum as the Society or the Committee of Management shall direct and appoint, conditioned for the just and faithful execution of his said Office of Treasurer, and for rendering a just and due account of all monies received or paid by him, on account of the said Society at such times as the rules of the said Society shall direct and appoint, and at such times as he shall be required so to do, by the Trustees or Trus-

Treasurer to give security in such sum as the Committee shall direct.

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tee of this Society or by a majority of the said Committee of Management, or by a majority of the members present at any meeting of such Society; and every such Bond shall be given to the Chief Ranger of the said Society for the time being, and if the same shall at any time become forfeited, it shall be lawful for the Chief Ranger for the time being to sue upon such Bond for the said Society.

**Treasurer to render
Accounts of all monies
received and
paid.**

XI. Every such Treasurer or other Officer whether appointed before or after the passing of this Act, at such times as by the rules of such Society he should render such account as aforesaid, or upon being required so to do by the Trustee or Trustees of this Society, or by a majority of the said Committee of Management or by a majority of the Members present at a meeting of the said Society as aforesaid, within seven days after such requisition, shall render to the Trustee or Trustees of the Society or to the said Committee of Management, or to the members of such Society at a meeting of the Society, a just and true account of all monies received and paid by him since he last rendered the like account, and of the balance then remaining in his hands, and of all funds or securities of such Society, which account the said Trustee or Trustees or Committee of Management shall cause to be audited by some fit and proper person or persons by them to be appointed, and such Treasurer if thereunto required, upon the said account being audited, shall forthwith hand over to the said Trustee or Trustees, the balance which on such audit shall appear to be due from him, and shall also, if required, hand over to such Trustee or Trustees all securities and effects, books, papers and property of the said Society in his

**Trustees shall cause
Accounts to be au-
dited.**

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hands or custody; and if he fail to do so the Trustee or Trustees of the said Society may sue upon the Bond aforesaid, or may sue the Treasurer in the Petty Debt Court of Bridgetown or in any of the superior Courts of Common Law, or in any other Court having jurisdiction, for the balance appearing to have been due from him upon the account last rendered by him, and for all the monies since received by him on account of the said Society, and for the securities and effects, books, papers and property, in his hands or custody, leaving him to set off in such actions the sums, if any, which he may have since paid on account of the said Society; and in such actions the said Trustee or Trustees shall be entitled to recover their full costs of suit to be taxed as between Attorney and Client.

XII. After the rules of the Society shall have been recorded in the Secretary's Office of this Island as herein provided, it shall be lawful for the said Society by resolution at a meeting specially called for that purpose, to alter, amend or rescind the same or any of them, or to make new rules: Provided always that a copy of the proposed alterations or amendments, and of such new rules, signed by five members of the Society, and the Secretary or other Officer shall be transmitted to and recorded in the Secretary's Office of this Island; and all rules, alterations, and amendments, when so signed and recorded as aforesaid, shall be binding on the several members of the Society, and all persons claiming on account of a member, or under the said rules, but unless and until the same shall be so signed and recorded as aforesaid, such rules, alterations and amendments shall have no force or validity whatsoever,

Rules of the Society to be recorded in the Colonial Secretary's office.

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The Rules recorded shall be evidence in Courts of Law without proof of Signature.

XIII. All rules and tables of this Society, and all alterations and amendments thereof, and all copies thereof or extracts therefrom, and all writings and documents, and documents relating to the Society and purporting to be signed and recorded as aforesaid, shall in the absence of any evidence to the contrary, be received in all Courts of Law and Equity and elsewhere, without proof of the signature or signatures thereto.

Investment of Funds.

XIV. The Trustee or Trustees of the Society shall from time to time with the consent of the Committee of Management of the Society, or of a majority of the members of the Society present at a general or special meeting thereof, or in accordance with the rules of the Society, invest the funds of the Society, or any part thereof, to any amount in the Colonial Bank, or Savings' Bank of this Island, or on such other security as the rules of the Society may direct, not being the purchase of house or land (save and except the purchase of buildings wherein to hold the meetings, or transact the business of the Society as hereinbefore mentioned) and not being the purchase of shares in any joint stock Company or other Company with or without charter of incorporation, and not being personal security.

Subscriptions to Charitable Institutions.

XV. The Trustees of the Society may out of the funds thereof subscribe to any hospital, infirmary, charitable or other provident Institution, such annual or other sum as may be agreed upon by the Committee of Management or by a majority of the members at a meeting called for that purpose, in consideration of any member of the Society, his wife, child or other person nominated by

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the Society, being eligible to receive the benefits of such hospital, or other Institution according to the rules thereof.

XVI. Every dispute between any member or members of the Society or any person claiming through or under a member or under the rules of the Society, and the Trustees, Treasurer or other Officer, or the Committee thereof, shall be decided in manner directed by the rules of the Society, and the decision so made shall be binding and conclusive on all parties without appeal.

Disputes between members to be decided in the manner directed by the Rules.

XVII. If any Officer, Member, or any person by false representations or impositions shall obtain possession of any monies, securities, books, papers or other effects of this Society, or having the same in his possession, shall withhold, or misapply the same to purposes other than those expressed or directed in the general rules of the Society's Bye-Laws, he may upon complaint being made by the Secretary of the said Society on behalf of said Society, be summoned before a Police Magistrate, who, if he shall determine the complaint to be proved, shall adjudge and order the Defendant to deliver up all such moneys, securities, books, papers or other effects or to repay the amount of money so misapplied.

Penalty misapplying money or property by officers of the Society.

XVIII. That no person or persons shall open a Court of Foresters Friendly Society in this Island having the same name as the Society hereby incorporated, without the sanction of the Barbados Windward and Leeward District Court and its Branches, as an incorporated Body of the Ancient Order of Foresters Friendly Society.

No person shall open a Court of Foresters Friendly Society without sanction of the Society.

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Duties and obligations of members.

XIX. With respect to the duties and obligations of the members of the Society which they owe to the High Court of the said Order, the following provision shall have effect "nevertheless that nothing in this Act shall prevent the members of the District Court and its Branches from being under such control of the central Body of the High Court of the Order acting by and through its Executive Council for the time being, as provided by the General Laws of the said order."

FORM OF BOND.

Bond.

Know all men by these Presents,
That A.B. of Treasurer &c., (as the case may be) "The Barbados Windward and Leeward District Court and its Branches of the Ancient Order of Foresters Friendly Society, (or as the case may be,) established in this Island, and C.D. of as surety on behalf of the said A.B. are jointly and severally held and firmly bound unto E.F. of G.H. of and I.J. of &c. Trustees of the said Society in the sum of £ to be paid to the said E.F., G.H., and I.J. as such Trustees or their successors, Trustees for the time being or their certain Attorney, for which payment well and truly to be made, we jointly and severally bind ourselves and each of us by himself, our and each of our heirs, executors and administrators by these presents. Sealed with our seals. Dated this day of A.D. 18 .

Whereas the above bounden A.B. hath been duly appointed Treasurer &c. (as the case may be,) of the Barbados Windward and Leeward District Court and its Branches, (as the case may be) of the Ancient Order of Foresters Friendly Society, established as aforesaid, and he together with the above bounden as his surety, have entered into the

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above written Bond, subject to the condition hereinafter contained.

Now therefore the condition of the above Condition of Bond .
written Bond is such that if the said A.B. shall and do justly and faithfully execute his office of Treasurer, &c. (as the case may be) of the said Society established as aforesaid, and shall and do render a just and true account of all monies received and paid by him, and shall and do pay over all the monies remaining in his hands, and transfer or deliver all securities and effects, books, papers and property of or belonging to the said Society, in his hands or custody, to such person or persons as the said Society shall appoint, according to the rules of the said Society, together with the proper or legal receipts or vouchers for such payments, and likewise shall and do in all respects well and fully and faithfully perform and fulfil his office of Treasurer &c., (as the case may be) to the said Society, according to the rules thereof, then the above written Bond shall be void and of no effect, otherwise shall be and remain in full force and virtue.

CAP. XVIII.

[20th June, 1878.]

An Act for the Prevention of Petty Trespasses to lands and premises.

WHEREAS it is expedient to provide a summary and more effectual remedy for the prevention of petty trespasses of a wanton, annoying or malicious character, on lands and premises: Be it therefore enacted by the Governor, Council, and Assembly of

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this Island, and by the authority of the same,
as follows :—

Description of offence.

I. If any person or persons shall unlawfully enter in a wanton or insulting or threatening manner upon any lands or premises in the possession of any other person or persons, or shall unlawfully enter upon such lands or premises after having been forbidden to do so, or shall unlawfully enter and remain thereon after having been required to depart, or if any person having lawfully entered upon such lands or premises shall misconduct himself by behaving in an insulting, annoying, or threatening manner, or shall remain on such lands or premises after having been requested to depart, the person or persons so offending may be proceeded against by the owner or occupier of any such lands or premises, before the Police Magistrate of the Parish or District where such lands or premises are situate ; and such Police Magistrate shall adjudicate any complaint that may be brought before him for any such trespass as aforesaid, and on the hearing of any such complaint, if the said Magistrate shall convict the defendant or defendants thereunder, he shall have power to order the said defendant or each of the said defendants as the case may be, to pay a penalty not exceeding the sum of Forty Shillings and costs, or in default of payment, to be imprisoned for any term not exceeding one month with or without hard labour : Provided always that if, on the hearing of any complaint for an offence under this Act, the Police Magistrate shall be of opinion that a *bona fide* question of title is raised between the parties, he shall dismiss such complaint, and may make such order in respect of the cost thereof, as he shall think fit.

Penalty not to exceed 40/ or in default of payment imprisonment for any term not exceeding one month, with or without hard labor.

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II. This Act shall not interfere with, or be construed to affect the rights of any person or persons to pass or repass in an orderly and quiet manner through and along the customary path leading from the Public Highways to the Villages or Cottages adjacent: Provided nevertheless, that nothing contained in this Act shall be deemed to affect the title or freehold of any person or persons in any such paths.

Persons passing in an orderly manner.

III. Any penalty paid under the provisions of this Act, shall be paid into the Public Treasury for the use of the Colony.

Penalty to be paid into the Public Treasury.

IV. A conviction under any complaint brought in pursuance of the provisions of this Act shall be a bar, without being specially pleaded, to any other proceedings in respect of the same subject matter brought in any Petty Debt Court or other Court, against the same person or persons.

V. This Act may be cited for all purposes as "The Petty Trespass Act, 1878."

Short title.

Published 1st July.

CAP. XIX.

[20th May, 1878.]

An Act to provide for the Administration of the Molehead Department.

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, that—

I. For the purposes of this Act, and immediately after the passing of the same, the Executive Council of this Island shall be vested with the care, management, and control of the Molehead and Careenage, and

Executive Council vested with the care of Molehead, Careenage, Pier, and Public Wharves.

5 Members of Assembly to be associated with the Executive Council for the purposes of this Act.

Members of the Assembly appointed shall continue to act after dissolution of the General Assembly.

Five to form a quorum.

An Estimate to be laid before the House of Assembly.

Restriction on Expenditure.

also of the Pier and Public Wharves and Bridges in connection therewith and the repairing thereof; and for the purposes of this Act, five Members of the House of Assembly to be nominated and appointed by the Governor, shall always be associated with the Executive Council.

II. The Members so nominated and appointed from the General Assembly, who shall in fact be associated with the Executive Council at the expiry or any prorogation or dissolution of any House of Assembly, shall continue to act with the Executive Council for the purposes of this Act, after the expiration and during the dissolution or prorogation of the General Assembly, without it being necessary to make new appointments for the time being.

III. All the members of the Board by this Act constituted, being severally duly summoned to attend any meeting for the transaction of business in connection with the said Molehead Department as aforesaid, any five persons present at any such meeting, shall be competent for the transaction of any business connected with the Department, and all the proceedings of any such meeting shall be valid for all purposes.

IV. Immediately after the passing of this Act, an estimate of the amount of money that will be required for the purposes of this Act, until the end of the current year, shall be laid before the House of Assembly.

V. No other or larger sum shall be expended for the purposes aforesaid, than shall be specially granted by some Act or Resolution of the Legislature, for the purposes of this Act: any law to the contrary notwithstanding.

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VI. A statement of the application of all monies granted for the purposes of this Act during the present year, shall be laid before the Legislature.

Accounts to be laid before the Legislature.

VII. The fee simple of all ground acquired and to be acquired, and the wharves and other works aforesaid, and all the estate and interest in any property and effects which were formerly by any law of this Island vested in and belonging to the Commissioners of the Molehead Department shall be, and the same are hereby transferred to, and vested in the Governor of this Island, in trust for the use of the public of this Island.

All the Estate and interest in any property formerly vested in the Molehead Department to be vested in the Governor in trust for the public.

VIII. Authority is hereby given to the Executive Council and the said five associated Members, to make and ordain in respect of the Molehead Department such rules and regulations, and from time to time to alter, add to, vary or repeal the same, as may be found necessary or deemed expedient for the public good and convenience.

Authority to make Rules and Regulations.

IX. All rules and regulations made and ordained by the said Executive Council, and the said five associated members under and by virtue of the authority given to them in, and by the last preceding section, shall be subject to the approval of the Governor-in-Council, and after having been so approved of, shall be published three times in the *Official Gazette* of this Island, and shall thereafter have the force and effect of law, in as full and ample a manner to all intents and purposes as if they were inserted in this Act: and any person violating any or either of the said rules and regulations shall for every offence be liable to a penalty not exceeding Forty shil-

Rules and Regulations to be approved by the Governor-in-Council and published in the Official Gazette.

lings, to be recovered as in the case of servants' wages, on the complaint of the Harbour Master, and paid into the Public Treasury.

X. All persons are hereby indemnified and held harmless in respect of all necessary and proper sums of money paid, and of all acts and things done in respect of the Molehead Department and the works thereof up to the time of the passing of this Act, and all such necessary and proper payments are hereby legalised

Appointment of Clerk.

XI. The Governor shall have power immediately after the passing of this Act, to appoint some fit and proper person to be Clerk to the said Executive Council and their said Associates from the House of Assembly for the purposes of this Act; and the said Clerk shall attend the meetings of the Board, and shall perform all other duties relating to the department that may be required of him; and the person so appointed shall hold his office during the pleasure of the Governor, and shall receive a salary at the rate of One hundred Pounds a year, to be paid monthly on the Warrant of the Governor-in-Council.

Clerk's Salary
£100 per annum.

Limitation of Act.

XII. This Act shall continue in operation until the Thirty-first day of December, One thousand eight hundred and seventy-eight.

CAP. XX.

[21st June, 1878.]

An Act to amend an Act, entitled "An Act to consolidate and amend the Laws for the repair and improvement of the Highways."

WHEREAS by the eighth section of the Act of the Twenty-fourth day of February, One thousand eight hundred and six-

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ty-four, entitled "An Act to consolidate and amend the Laws, for the repair and improvement of the Highways," it is provided in respect of the taxes imposed for highway purposes, in and by the said section, that if default shall be "made within the time aforesaid, in the payment of said taxes, the same shall be levied and raised in the manner provided for the collection of parish rates, by the twenty-sixth and twenty-seventh clauses of the Act, of the Fifth day of September, One thousand eight hundred and forty-eight, prior to all liens and charges on the property liable to pay the tax." And whereas the said Act of the Fifth day of September, One thousand eight hundred and forty-eight has been repealed. And whereas doubts have arisen whether the provisions of the Act of the Twenty-fourth day of March, One thousand eight hundred and seventy-four, entitled "An Act to consolidate and amend the several acts of this Island, relating to Vestries," which have reference to the levying and raising of parochial rates, apply to the levying and raising of highway rates and taxes, and it is expedient to remove such doubts. And whereas the said recited Act of the Twenty-fourth day of February, One thousand eight hundred and sixty four, has from time to time been continued and is to continue in force to the end of the present year: Be it therefore enacted by the Governor, Council and Assembly of this Island, and by the authority of the same, as follows:—

Preamble.

I. The powers and remedies given and conferred for the levying and raising of parochial rates by the said recited Act of the Twenty-fourth day of March, One thousand eight hundred and seventy-four, or by any Act or Acts, which is, or are now, or may

Powers given for
the Levying of Pa-
rochial Rates

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hereafter be in force in that behalf, shall apply and extend to the levying and raising of highway rates and taxes, fixed and imposed by the said recited Act of the Twenty-fourth day of February, One thousand eight hundred and sixty-four, or any Act in that behalf, in as full and ample a manner to all intents and purposes, as if such powers and remedies had been expressly enacted in reference thereto.

Indemnification
clause.

II. All acts, matters and things whatsoever, duly done and performed under the said recited eighth section of the said Act of the Twenty-fourth day of February, One thousand eight hundred and sixty-four, by all persons authorised and required to act thereunder by virtue of the provisions of the said Twenty-sixth and Twenty-seventh Clauses of the said repealed Act of the Fifth day of September, One thousand eight hundred and forty-eight, since the date of such repeal, are hereby confirmed, and all persons are hereby indemnified and saved harmless in respect thereof.

Limitation of Act.

III. This Act shall continue in force until the Thirty-first day of December, One thousand eight hundred and seventy-eight; Provided however that in case any Act or Acts shall from time to time be passed reviving and continuing in force for any further period or periods the said recited Act of the Twenty-fourth day of February, One thousand eight hundred and sixty-four, then and in every such case this Act shall stand revived and continued in force for a like period or periods without being expressly mentioned or referred to in such reviving and continuing Act or Acts.

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CAP. XXI.

[27th June, 1878.]

An Act to amend the Act entitled "An Act concerning the Surveying of Land in this Island."

WHEREAS great inconvenience has arisen from Land Surveyors, to whom warrants are addressed under the authority of the Act of the Sixth day of February, One thousand seven hundred and thirty-five, entitled "An Act concerning the Surveying of land in this Island" entering for the purposes of making surveys or adjusting disputed boundaries upon lands not in the possession of the persons employing the Surveyor, or in the absence of owners of land that may be entered upon incidentally for the purposes of the survey: Be it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

Preamble.

I. Upon any such warrant as is provided for in the said Act being addressed to a qualified Land Surveyor, he shall in no event enter for the purpose of surveying any lands or premises not in the actual possession of the person who may employ him to make a survey, until five clear days after a written or printed notice as hereinafter mentioned of his intention so to do, shall have been served upon some person residing on or in possession of the lands or premises intended to be surveyed, and until after a similar notice shall have been so served as aforesaid upon some person or persons residing on or in possession of any lands or premises immediately contiguous to or abutting upon any

Notice of intended Survey of Land shall be given 5 days before a n y Survey can be made.

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such lands intended to be surveyed, and after such notices shall have been so served as aforesaid, the said Surveyor shall be authorised and empowered to enter upon such lands or premises for the purpose of surveying the same, and also to enter upon any said lands or premises immediately contiguous thereto, or abutting thereon, so far as it may be necessary to make such entry in order to settle the boundaries of such lands and premises intended to be surveyed.

Modes of serving notices.

II. Any notice required to be served under section I of this Act shall be in the form of Schedule A or B as the case may require, and the same may be given by personal service thereof upon the person entitled to receive the same or by leaving the same at the residence of such person, if any situate upon the land intended to be entered for the purpose of a survey or contiguous thereto, as the case may be, or by sending such notice through the Post in a pre-paid letter addressed to such person at such residence if any situate as aforesaid.

Notice if sent by Post shall be deemed to have been received.

III. When any notice as specified in section II of this Act shall have been sent by Post, it shall be deemed to have been received at the time when the letter containing the same would be delivered in the ordinary course of post, and to prove the receipt of such notice, it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the Post.

Penalty on surveyor for breach of the provisions of the Act.

IV. If any Surveyor shall enter upon any lands or premises contrary to the provisions of this Act, he shall be liable for any such entry to a fine not exceeding Ten pounds, to be recovered as in the case of servants' wages, on

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complaint by any person or persons aggrieved, before the Police Magistrate of the parish where the land or premises so entered upon shall be situate, such fine to be paid into the Public Treasury for the use of the Island.

SCHEDULE "A."

Take Notice, I do hereby notify to you that on the day of between the hours of and it is my intention to enter the land (or premises) situate in the parish of and on which you are now residing (or in occupation of) for the purpose of making a Survey, in virtue of a Warrant bearing date the day of , One thousand eight hundred and , and issued under the provisions of an Act passed on the Sixth day of February, One thousand seven hundred and thirty-five, entitled "An Act concerning the Surveying of land in this Island."

Form of notice to owner or occupier of lands about to be surveyed.

Dated this day of 18

Signed A. B.

To

Land Surveyor.

SCHEDULE "B."

Take Notice, I do hereby notify to you that on the day of between the hours of and It is my intention to enter certain lands and premises immediately contiguous to (or abutting on) certain land or premises situate in the parish of on which contiguous or abutting lands you are now residing (or in possession of) for the purpose

Form of notice to owner or occupier of lands abutting on those about to be surveyed.

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of making a survey in virtue of a Warrant bearing date the day of 18 and issued under the provisions of an Act passed on the Sixth day of February One thousand seven hundred and thirty-five, entitled "An Act concerning the Surveying of land in this Island"

Dated this day of 18

Signed. A. B.

To

Land Surveyor.

CAP. XXII.

[6th July, 1878.]

An Act for securing to Henry Meyer, of the City of London, in England, Gentleman, the sole use and benefit of certain improvements in the process of manufacturing sugar.

Preamble.

WHEREAS the said Henry Meyer hath presented a Petition to the Honorable House of Assembly in General Assembly assembled of this Island, setting forth that he is the Inventor of certain improvements in the process of manufacturing Sugar, affecting the clarification of the cane juice, and praying that an Act shall be passed for securing to him the sole use and benefit of his said Invention for a limited time: And whereas it is deemed expedient to grant the prayer of the said Petition. Be it therefore enacted by the Governor in Council, and Assembly of this Island, and by the authority of the same, as follows:—

I. The said Henry Meyer, his executors, administrators and assigns, and every of them by himself and themselves or by his and their deputy or deputies, servants or

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agents, or such others, as he the said Henry Meyer, his executors, administrators, and assigns shall at any time agree with and no others, from time to time, and all times hereafter during the term of seven years from the passing of this Act, shall and lawfully may make, use, exercise and vend the said Invention and method of applying the same to the process of manufacturing Sugar, affecting the clarification of the cane juice, in such manner as to him the said Henry Meyer, his executors, administrators, and assigns, or any of them shall in their discretion seem meet, and that he the said Henry Meyer, his executors, administrators and assigns, shall and lawfully may have and enjoy the whole profit, benefit, commodity and advantage from time to time coming, growing, accruing, and arising by reason of the said Invention for and during the term of seven years hereinbefore mentioned.

Grants exclusive right for 7 years from the passing of the Act of 6th July, 1878.

II. It shall not be lawful for any person or persons, bodies politic or corporate, or any of them during the continuance of the said term hereby granted, either directly or indirectly to make, use, or put in practice the said Invention or any part of the same, nor in any wise counterfeit, imitate, or resemble the same, nor make any addition thereto or subtraction from the same whereby to pretend himself or themselves the Inventor, or Inventors thereof, without the consent of the said Henry Meyer, his executors, administrators and assigns, in writing under their hands and seals first had and obtained in that behalf.

Protection to Patentes.

III. If any person or persons whomsoever, body or bodies politic or corporate, shall during the continuance of the said term at any

Remedy for infringement.

time either directly or indirectly, make, use, put in practice, or vend the said invention and improvements, or any of them, or any part thereof within this Island, without a permission or license in writing, first had and obtained from the said Henry Meyer, his Attorney, executors, administrators or assigns, the said Henry Meyer, his executors, administrators and assigns, shall have, and be entitled to such and the like remedies, both at Law and in Equity in the Courts of this Island, against every such person or persons, body or bodies politic or corporate, for every such infringement or violation of the rights and privileges hereby granted to him and them, or against the person or persons, for whose benefit the same shall have been so made, used, or put in practice, without such license or permission as aforesaid, as the Grantee of any Letters Patent for any invention would be entitled to in the like case by the Law of England; and in any action which may be brought against any such person or persons, body or bodies politic or corporate, it shall be lawful for the Defendant in such action to plead any such matter in defence, as may be pleaded by any Defendant in any action brought in the Superior Courts of Law or Equity in England, for the infringement of any Patent granted by Her Most Gracious Majesty The Queen: Provided nevertheless that if the said Henry Meyer shall not file a specification of his said invention in the Colonial Secretary's Office of this Island, within three months after the passing of this Act, that then this Act, and all liberties and advantages whatsoever hereby granted shall utterly cease, determine and become void, anything hereinbefore contained to the contrary thereof in anywise notwithstanding.

Specification to be filed in Colonial Secretary's office within 3 Calendar months

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CAP. XXIII.

[2nd July, 1878.]

An Act for securing to George Brocklehurst, of the Parish of Christ Church, in the Island of Barbados abovesaid, Engineer, the sole use and benefit of certain Apparatus and Improvements therein, for the burning of Crude Petroleum or other Oils under Furnaces and Stills, in lieu of Coal, Wood, Megass or other fuel.

WHEREAS the said George Brocklehurst hath presented a Petition to the Honourable House of Assembly, in General Assembly assembled, of this Island, setting forth that he is the Inventor of certain Apparatus and Improvements therein for burning Crude Petroleum and other Oils under Furnaces and Stills, in lieu of Coal, Wood, Megass, or other Fuel, and praying that an Act shall be passed in this Island for securing to him the sole use and benefit of the said Invention for a limited time; and whereas it is deemed expedient to grant the prayer of the said Petitioner: Be it therefore enacted • by His Excellency the Governor, the Honourable the Legislative Council, and the General Assembly of this Island, and by authority of the same as follows :—

Preamble.

I. The said George Brocklehurst, his executors, administrators and assigns, and every of them, by himself and themselves, or by his and their deputy or deputies, servants, or agents, or such others as he the said George Brocklehurst, his executors, administrators or assigns, shall at any time agree with, and no others from time to time, and at all times hereafter during the term of Seven years from the passing of this Act, shall and

Grants exclusive
right for 7 years from
2nd July 1878.

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lawfully may make, use, exercise and vend his said Invention and method of applying the same to the burning of Crude Petroleum, or other Oils, in such manner as to him the said George Brocklehurst, his executors, administrators, and assigns, or any of them shall in his or their discretion seem meet; and that he the said George Brocklehurst, his executors, administrators and assigns, shall and lawfully may have and enjoy the whole profit, benefit, commodity and advantage from time to time, coming, growing, accruing and arising, by reason of the said Invention, for and during the term of Seven years hereinbefore mentioned.

Protection to Patentes.

II. It shall not be lawful for any person or persons, bodies politic or corporate, or any of them at any time during the continuance of the said term hereby granted, either directly or indirectly, to make, use, or put in practice the said Invention or any part of the same, nor in any wise counterfeit, imitate, or resemble the same, nor make or cause to be made, any addition thereto, or subtraction from the same whereby to pretend himself or themselves the inventor or inventors thereof, without the consent of the said George Brocklehurst, his executors, administrators or assigns, in writing under his or their hand or hands, seal or seals, first had and obtained in that behalf.

Remedy for infringement.

III. If any person or persons whomsoever, body or bodies, politic or corporate, shall during the continuance of the said term at any time either directly or indirectly, make, use, put in practice, or vend the said invention and improvements, or any of them, or any part thereof, within this Island, without a permission or license in writing

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first had and obtained from the said George Brocklehurst, his attorney, executors, administrators or assigns, the said George Brocklehurst his executors, administrators and assigns, shall have and be entitled to such and the like remedies both at Law and in Equity in the Courts of this Island against every such person or persons, body or bodies politic or corporate, for every such infringement or violation of the rights and privileges hereby granted to him and them, or against the person or persons for whose benefit the same shall have been so made, used, or put in practice without such license or permission as aforesaid, as the Grantee of any Letters Patent for any Invention would be entitled to in the like case by the Law of England; and in any action which may be brought against any such person or persons, body or bodies politic or corporate, it shall be lawful for the Defendant in such action to plead any such matter in defence as may be pleaded by any Defendant in any action brought in the Superior Courts of Law or Equity in England, for the infringement of any Patent granted by Her Most Gracious Majesty the Queen: Provided nevertheless, that if the said George Brocklehurst shall not file a specification of his said Invention in the Colonial Secretary's Office of this Island, within three months after the passing of this Act, that then this Act and all liberties and advantages whatsoever hereby granted, shall utterly cease, determine, and become void, anything hereinbefore contained to the contrary thereof in anywise notwithstanding.

Specification to be
filed in Colonial
Secretary's office
within 3 Calendar
months.

[1st August, 1878.]

An Act to increase the grant to the General Agricultural Society and Reid School of Practical Chemistry.

Preamble.

WHEREAS by the Act of the Twenty-fifth day of August, One thousand eight hundred and fifty-eight, entitled "An Act for an annual grant to the Incorporated General Agricultural Society and Reid School of Practical Chemistry in this Island, to aid in the distribution of Prizes," an annual grant of One hundred pounds was made from the Public Treasury to the said Society for the purpose set forth in the said Act: And whereas it is deemed advisable to increase the said annual grant to the said Society: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

An annual grant of £200 made to the General Agricultural Society.

I. That in the hereinbefore mentioned Act of the Twenty-fifth day of August, One thousand eight hundred and fifty-eight, the words "Two hundred pounds" shall be taken and read instead of the words "One hundred pounds."

The Society to make an annual statement of appropriation of grant.

II. The said Society shall make an annual statement of the appropriation of the said grant of Two hundred pounds in each and every year to the Legislature, previous to drawing the grant payable for the next year.

This Act and the Act of 25th August, 1858, to be taken as one Act.

III. This Act and the said recited Act of the Twenty-fifth day of August, One thousand eight hundred and fifty-eight, shall be taken and read together as one Act.

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CAP. XXV.

[1st August, 1878.]

An Act for the establishment of a General Burial Ground for the interment of deceased Parishioners of Saint Michael, of all religious denominations.

WHEREAS the Vestry of the Parish of Saint Michael some time past, purchased a piece of land adjoining Westbury Road, in the said Parish, for the purposes of a Burial Ground, and had the same enclosed, and erected a Chapel on a portion of the said land, for the performance of Funeral Services. And whereas the fee simple of and in the said land was upon such purchase vested in the Reverend Thomas Clarke, as Rector of the said Parish of Saint Michael, and his successors in office. And whereas after the purchase of the said land, and the enclosure thereof, and the erection of the said Chapel, it was thought desirable that the said land should be made available as a General Burial Ground for the interment of the bodies of deceased Parishioners of Saint Michael, of all Religious Denominations, and that the said Chapel should be made available for the purpose of funeral service on the bodies of persons of all Religious Denominations. And whereas in order the better to effect such object, the said Thomas Clarke signified his willingness to be divested of the fee simple of and in the said land. And whereas the want of a Burial Ground being urgently felt, the Lord Bishop of Barbados lately licensed the said piece of land temporarily, as a Burial Ground, and the said Chapel as a Chapel for the performance of funeral service, until some provision should be made for the proper establishment

Preamble.

of the said piece of land as a Burial Ground, and the said Chapel as a Chapel for the performance of funeral service for the said Parish, and the bodies of sundry deceased persons have already been interred in the said piece of land, and the said Chapel has been already used as a Chapel for the performance of funeral service. And whereas it is deemed expedient that the authority of the Legislature should be given to the establishment of the said piece of land as a General Burial Ground for all Religious Denominations of the Parishioners of Saint Michael, and for the establishment of the said Chapel as a Chapel for the performance of funeral service for all Religious Denominations of such Parishioners, and for the management and regulation of the said Burial Ground and Chapel, and for that purpose that the fee simple of and in the same shall be vested in a Board of Commissioners for carrying the same into effect. Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

**Interpretation
Clause.**

I. In this Act the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, that is to say, the expression "the Parish" shall mean the Parish of Saint Michael, the expression "the Vestry" shall mean the Vestry of the Parish of Saint Michael, the expression "the Board" shall mean the Board of Commissioners appointed under the provisions of this Act, for carrying the same into execution ; the expression "the Cemetery" shall mean the Burial Ground adjoining Westbury Road purchased for that purpose by the

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Vestry of the Parish of Saint Michael ; the expression " the Chapel " shall mean the Chapel erected by the said Vestry on the lands purchased by them for the said Burial Ground , the expression " the Established Church " shall mean the Church of England, the expression " the Chaplain " shall mean the Chaplain for the time being of the said Burial Ground, and the expression " the Sexton " shall mean the person appointed by the Board to have charge of the Chapel, and of the Register of Burials appointed under the provisions of this Act.

II. The Vestry shall, immediately after the passing of this Act, and every year thereafter, at their first meeting after their election, appoint from among their own body five of their members, to be a Board of Commissioners, for the time being, for carrying this Act into execution, who shall be styled " The Westbury Cemetery Board."

Vestry to elect a Board of 5 members.

III. The fee simple of and in the Cemetery, and all the estate and interest therein, of the said Thomas Clarke, and his successors in office, shall without any conveyance whatever, be and become vested in the Board and their successors, from the time of the first appointment of the said Board.

Cemetery to be vested in the Board.

IV. Any vacancy which shall at any time occur in the Board, either from death, absence from the Island, incapacity to act or otherwise, shall be immediately filled up by the Vestry, by appointing any other member of their body in the place of the member dying, departing from the Island, or becoming incapacitated to act, or otherwise vacating his office, as occasion shall require.

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Meetings of Board. V. The Board shall meet at regular stated times, to be fixed by them, at their office, or at some other convenient place previously notified to the members thereof; and the Board may meet at such other time, as at any previous meeting shall be determined upon, and it shall be at all times competent for any two members of the Board, by writing under their hands, to summon with at least twenty-four hours' notice, the Board for any special purpose, mentioned in such writing, and to meet at such times as shall be appointed therein.

Quorum. VI. At all meetings of the Board, any number not less than three of the members thereof shall be a sufficient number for transacting business, and for exercising all the powers of the Board.

Cemetery and Chapel to be licensed by the Bishop. VII. The said Board shall, immediately after the passing of this Act, request the Lord Bishop of Barbados to permanently license the said Cemetery and Chapel as a General Burial Ground and Chapel for the performance of funeral service, and from thenceforth all Parishioners of Saint Michael, of all Religious Denominations, shall have the right of sepulture in the said Burial Ground on payment of any such fee as may be specified in any of the rules and regulations framed by the Board, in pursuance of Clause 10, of this Act. But the Board shall, in their discretion, be permitted to reduce or remit any such fee.

Appointment of Chaplain. VIII. The Board shall, from time to time, appoint a Clerk in Holy Orders, of the Established Church, to officiate as the Chaplain of the Cemetery, and with the approval of the Vestry may appoint a reasonable salary

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to be paid to the Chaplain, and the Chaplain shall be licensed by and be subject to the jurisdiction of the Bishop, and the Bishop shall have power to revoke any such license, and to remove the Chaplain for any cause which shall appear to him to be reasonable, and the Board shall also have power to dismiss the Chaplain for any just and reasonable cause, subject to the approval of the Bishop and the Vestry; and the Ministers of the several denominations shall be also remunerated for the funeral services performed by them.

IX. The Board may from time to time appoint or employ for the purposes of this Act, and remove at pleasure a Clerk, Treasurer, Sexton, Superintendent, and such Grave-diggers and other officers and servants as shall be necessary for the business of the Board, and for the purposes of the Cemetery, and the Chapel, and with the approval of the Vestry may appoint reasonable salaries, wages, and allowances to such Clerk, Treasurer, Sexton, Superintendent, Grave-diggers and other officers and servants, and may take sufficient securities for their duly accounting for all moneys to be received by reason of such employment from all such officers, as will or may in consequence of their offices be entrusted with the custody or control of money, and when necessary may with the like approval, hire and rent a sufficient office for holding their meetings and transacting their business.

Minor officials.

X. The Board shall have power to frame rules and establish such Regulations as may seem to them proper for the management of the Cemetery, and the burials therein, and to add to, alter, and annul such rules and

Rules and Regulations.

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regulations from time to time, and such rules and regulations shall be subject to the approval of the Governor-in-Council, and when so approved of, shall be published in the "Official Gazette."

Duties of Chaplain.

XI. The Chaplain shall when required unless prevented by sickness or other reasonable cause, perform the Burial Service according to the rites and usages of the Established Church at the funeral of all deceased persons entitled to Christian burial, brought to the Cemetery to be buried, and in the event of the Chaplain refusing or neglecting to perform such Burial Service, after due notice given him, it shall be lawful for the person having the care and direction of the funeral of such deceased person, to obtain any other Minister of Religion to officiate at such funeral, and the Board shall pay to such person having the care and direction of the said funeral, all fair and reasonable expenses incurred in obtaining the service of such Minister of Religion so officiating, and to deduct the same from the stipend of the Chaplain.

Persons authorized to perform Burial Service in the Cemetery.

XII. Any Clerk in Holy Orders of the Established Church not being inhibited by the Bishop, nor under Ecclesiastical censure or any Minister of any Religious Denomination or Church recognized as such by the Denomination or Church to which he belongs, or any person authorized by a congregation or society to which he belongs to discharge such functions, may at the request of the Executor of the Will of any deceased person, or at the request of any other person having the charge of the burial of the body of any deceased person, perform the said Burial Service over such deceased person's body,

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according to the rites and usage of the Established Church, or of such other Denomination, Church, Congregation or Society, due and timely notice having been given to the Chaplain by the said Executor or person having the charge of the funeral of such deceased person.

XIII. The Board may allow the body of any person which shall be brought from any other Parish than that of Saint Michael, to be interred in the Cemetery, upon the payment of such fee as may be specified in any of the Rules and Regulations framed by the Board in pursuance of Section 10 of this Act, but the Board shall be empowered at their discretion to reduce or remit any such fee.

Burials of persons not Parishioners of St. Michael.

XIV. The Board may erect and provide within the Cemetery, a vault or other fit and proper place in which the bodies of any persons dying in this Island, whether strangers, or inhabitants, may in the discretion of the Board, be deposited temporarily, and taken care of, until such bodies can be conveniently conveyed to their final burial place.

Vault for temporary interment.

XV. The Board shall make regulations for ensuring that all burials within the Cemetery, and the performance of funeral service in the Chapel, shall be conducted in a decent and solemn manner.

Regulations for performance of funerals.

XVI. The Board shall keep the Cemetery and the enclosure thereof and the Chapel or reception vault or place in complete repair, and in good order and condition, and lay out and embellish the grounds of the Cemetery.

Cemetery and Buildings to be kept in repair.

XVII. Every person who shall play at any game or sport, or discharge fire-arms, save at a Military funeral in the Cemetery, or

Penalty for disturbance or nuisance.

who shall wilfully and unlawfully disturb any persons assembled in the Cemetery or the Chapel for the purpose of burying any body in the Cemetery, or who shall commit any nuisance within the Cemetery or the Chapel, shall forfeit to the Board for every such offence a sum not exceeding Five pounds.

Removal of bodies.

XVIII. The relatives of any deceased person, with the consent of and subject to the regulations of the Board, and upon payment of such fees as may be specified in any of the Rules and Regulations framed by the Board in pursuance of Section 10 of this Act, may cause the body of such deceased person to be removed from the Cemetery, without any faculty for the purpose.

Exclusive right of burial may be sold.

XIX. The Board under such restrictions and conditions as they shall think proper, may sell to any person whomsoever, whether a Parishioner of the said Parish of Saint Michael, or otherwise, the exclusive right of burial, either in perpetuity or for a limited period in any part of the Cemetery, and also the right of constructing any vault or place of burial, with the exclusive right of burial therein, in perpetuity or for a limited period, and also the right of erecting and placing any Monument, Gravestone, Tablet or Monumental Inscription in the Cemetery, or any Tablet or Monumental Inscription on the Walls of the Chapel.

No body to be buried where exclusive right of burial sold without permission of owner.

XX. No body shall be buried in any place wherein the exclusive right of burial shall have been granted by the Board, except with the consent of the owner for the time being of such exclusive right of burial.

XXI. The Board may take down and re-

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move any Gravestone, Monument, Tablet or Monumental Inscription which shall have been placed within the Cemetery, or on the Walls of the Chapel without their authority.

Removal of grave-stones by Board.

XXII. The Board shall and may specify in any of the Rules and Regulations framed in pursuance of Section 10 of this Act, a scale of fees, payments and sums to be received by the Board for the exclusive right of burial either in perpetuity or for a limited period in the Cemetery, and also the right of constructing any Vault or place of burial, with the exclusive right of burial therein either in perpetuity or for a limited period, and also the right of erecting and placing any Monument, Gravestone, Tablet or Monumental Inscription in the Cemetery, and also for the reception and taking care of the body of any deceased stranger or inhabitant whose body shall be desired to be deposited therein, and the Board may from time to time revise and alter such fees, payments, and sums as aforesaid, and a Table showing such fees, payments and sums, and all other payments to be made in respect of the Cemetery, and the Chapel, shall be affixed and at all times be maintained on some conspicuous part of the Cemetery.

Fees &c, may be specified in Regulations.

XXIII. All fees, payments and sums which shall be received on account of the Board under this Act by the Officers or Servants of the Board (other than the Treasurer of the Board) shall be by such Officers or Servants receiving the same forthwith paid to the Treasurer of the Board.

Fees to be paid to Treasurer of Board.

XXIV. The General management, regulation and control of the Cemetery and

The general management of the Cemetery vested in the Board.

the Chapel, shall, subject to the provisions of this Act, and the regulations to be made thereunder, be vested in and exercised by the Board, provided that any question which shall arise touching the fitness of any monumental Inscription placed in the Cemetery, shall be determined by the Bishop, if the deceased person over whom the said Monumental Inscription is required to be placed, was a member of the Established Church or buried as such, and if not a member of the Established Church or buried as such, then by the principal Minister or person recognised as such by the Religious Denomination to which such deceased person belonged.

The expenses of the Cemetery to be defrayed out of the fees so far as they will extend.

XXV. The expenses incurred or to be incurred by the Board in carrying this Act into execution (except any penalty or forfeiture incurred by the Board, or any member thereof, for acts or things done without the sanction of the Vestry) shall be defrayed so far as the same will extend, out of the fees, payments and sums to be received by the Board under this Act, and any deficiency thereof, shall be raised and paid out of a rate to be laid for that purpose by the Vestry, who are also hereby authorised and required to lay any additional rate that may be necessary to defray the expenses of carrying this Act into execution.

Vestry to pay such sums required for Expenses incurred and to lay a rate.

XXVI. The Vestry shall upon a certificate of the Board, pay such sums as may be required from time to time for defraying any expenses incurred, or to be incurred by the Board, in carrying this Act into execution, out of the rates to be laid for the purposes of this Act.

XXVII. Entries of all proceedings of the Board, with the names of the members who attend each meeting, shall be made in Books to be provided and kept for that purpose, under the direction of the Board.

Minutes of proceedings to be kept.

XXVIII. The Board shall also provide and keep Books in which shall be entered true and regular accounts of all sums of money received and paid for, or on account of the purposes of the Cemetery and the Chapel, and of all liabilities incurred by them for such purposes, and of the several purposes for which such sums of money are paid and such liabilities incurred, and shall on or before the thirty-first day of January in the next, and every succeeding year cause an account to be made up to the thirty-first day of December of the preceding year, shewing the total receipt and expenditure of all moneys received by virtue of this Act, under the several distinct heads of Receipt and Expenditure with a statement of the balance of such account certified by the Chairman of the Board, and send a copy of the said account to the Clerk of the Vestry, and if the Board omit to send such account as aforesaid, the members thereof causing the omission shall forfeit to the Vestry for the use of the Parish for every such omission, a sum exceeding Twenty pounds.

Accounts.

XXIX. Whenever after satisfying all the liabilities of the Board with reference to the execution of this Act, and providing such a balance as shall be deemed by the Board sufficient to meet their probable liabilities during the current year, there shall be at the time of the sending of the accounts of the receipts and expenditure of the Board for the preceding year to the Vestry any

Balance, if any, to be paid to the Parochial Treasurer.

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surplus money at the disposal of the Board, they shall pay the same to the Parochial Treasurer of the Parish in aid of the general Rate, or any additional rate authorized by this Act to be laid by the Vestry for carrying this Act into execution.

Auditing of accounts

XXX. The Vestry shall require their Auditor to audit the accounts of the Board at the same time as he is auditing the accounts of the Vestry, and the Board shall thereupon produce to the said Auditor their accounts with sufficient Vouchers for all moneys received and paid, and the said auditor shall examine such accounts and Vouchers and report thereon to the Vestry, and in case the Board or any member thereof, or their Clerk, or other person having the custody of the said Accounts and Vouchers, shall decline or refuse to produce the same to the said auditor, he or they shall be liable to a penalty not exceeding Five pounds, to be recovered by the Vestry for the use of the Parish.

Books to be open to the Inspection of every rate payer under a penalty.

XXXI. All Books of the Board shall at all reasonable times be open to the examination of every rate-payer of the Parish, and in case the Board or any member thereof or any of the officers or servants of the Board having the custody of the said Books being thereunto reasonably requested, refuse to permit or do not permit any rate-payer to examine the same, the Board or any member thereof, officer or servant so offending, shall for every such offence, forfeit to the Vestry for the use of the Parish any sum not exceeding Five pounds.

XXXII. A Register of all Burials within the said Cemetery shall be made in the

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same form as Registers of Burials solemnized within the several Parishes of this Island, are required to be made by the Rectors, Curates, or officiating Ministers of the respective Churches and Chapels of such Parishes, under the provisions of the Act of this Island of the Tenth February, One thousand eight hundred and fifty-five, entitled "An Act for the better making and keeping Registers of Baptisms, Marriages, and Burials, solemnized in the several Parishes of this Island" so far as relates to the Registers of Burials; and such Registers shall be made in duplicate, and the Register Book and corresponding sheets for the duplicate Registers shall be provided by and at the expense of the Board, and each entry in such Register Book and on such duplicate sheets, shall be made by the Sexton immediately after the burial to which it refers shall take place, and such entry shall then and there be signed by the Chaplain, or Minister, or authorized person of any dissenting body as the case may be, officiating at such Burial, and in the case of Burials which are not solemnized, the entries shall be signed by the Sexton; and the Chaplain, or Minister, or authorized person as aforesaid, shall annex to his signature the name or style of the Church, Denomination, Congregation, or Society to which he belongs; and the entries in the Register shall be made in progressive numbers; the first entry in each year to be distinguished by number one, and so on with progressive numbers, to the end of the year, and every entry shall be made in a fair and legible hand, and it shall be the duty of the Sexton, and he is hereby required to lodge in the office of the Secretary of the Island, not later than the Thirty-first day of

Registration of
Burials.

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The Sheets to be sent to the Colonial Secretary not later than 31st day of January in each year

January in each year, the sheets containing the duplicate Register of Burials made in the previous year, as aforesaid, under a penalty of not exceeding Ten Pounds, and any such penalty so incurred shall be recovered as in the case of servants' wages, by the Secretary of the Island before a Police Magistrate of the said Parish, and paid to the Treasurer of the Island for the uses of the Colony.

Certified copies of Entries to be given on payment of a fee.

XXXIII. Certified copies of entries from the Register of Burials shall be given by the Chairman of the Board to any person applying for the same, on payment of a fee to be specified by the Board, in any of the Rules and Regulations framed under the provisions of Section 10 of this Act.

XXXIV. If any person shall have committed any irregularity, trespass, or any other wrongful proceeding in the execution of this Act, or by virtue of any power or authority hereby given, and if before action brought in respect thereof, such party make tender of sufficient amends to the party injured, such last mentioned party shall not recover in any such action, and if no such tender have been made, the Defendant by leave of the Court, where such action is pending, may at any time before issue joined, pay into Court such sum of money as he thinks fit, and thereupon such proceedings shall be had as in other cases where Defendants are allowed to pay money into Court.

The Board may sue and be sued in the name of any member or of their Clerk.

XXXV. The Board may sue and be sued in the name or names of any one of the members of the Board, or of their Clerk for the time being, and no action or suit to be brought or commenced by, or against the Board, by virtue of this or any other Act

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of this Island, in the name of any one of such members of the Board, or their Clerk, shall abate or be discontinued by the death or removal of such member of the Board, or Clerk, or either of them, or by the act of such member of the Board, or either of them, without the consent of the Board, but that any one of the members of the Board or the Clerk for the time being to the Board, shall always be deemed to be the Plaintiff or Defendant (as the case may be) in every such action or suit. Provided always that every such member of the Board, or the Clerk thereof, shall be reimbursed and paid out of the moneys to be received by the Board by virtue of this Act, all such costs, charges, and expenses as he shall be put unto, or become chargeable with, or liable to by reason of his being so made Plaintiff or Defendant, except penalties, or forfeitures incurred by the Board, or any member thereof, by virtue of this Act, for acts or things done without the sanction of the Vestry.

XXXVI. All fees, payments, and sums of money accruing under, or penalties imposed by this Act may be recovered on the complaint of any member of the Board, or their Clerk, for the time being, as in the case of servants' wages, before a Police Magistrate, except in the case of any penalty, provided by Section 32 of this Act, which shall be recovered in the manner provided therein, and on non-payment of any such penalty, the offender shall be liable to be imprisoned with or without hard labour, in any of the prisons of this Island, for any time not exceeding two months.

Fees and Penalties
how to be recovered.

XXXVII. The expenses of obtaining this

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Expenses of this Act to be defrayed by the Board. Act, and all other expenses incidental thereto, shall be charged upon and defrayed out of the moneys to be received by the Board by virtue of this Act.

To be taken as a Public Act. XXXVIII. This Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices and others, and may be pleaded in any of the Courts of this Island.

Short title. XXXIX. This Act shall be cited for all purposes as "The Westbury Cemetery Act."

CAP. XXVI.

[1st August, 1878.]

An Act to authorise the transfer of certain Exhibitioners at the Codrington College Grammar School to Harrison's College, or the Christ Church Middle School.

WHEREAS by the first clause of an Act of this Island of the Eighteenth day of October, One thousand eight hundred and seventy, entitled "An Act to provide Exhibitions at the Codrington College Grammar School, for the sons of persons in straitened circumstances, being natives of this Island," "the sum of Six hundred pounds per annum, for a term of five years, commencing with the first annual payment, was granted from the Public Treasury, payable by warrant of the Governor-in-Council, on the requisition of the Education Committee, who should expend the same in granting Exhibitions to the Codrington College Grammar School, to boys of the middle class, who are natives of this Island, and who or whose parents might be in straitened circumstances, at the rate of Twenty pounds

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' for each Exhibitioner, being a boarder at
' the school, or Ten pounds being a day-boy,
' whose length of residence or whose educa-
' tion at the school, together with all other
' matters in necessary connection therewith,
' should be settled and determined on such
' conditions as the Education Committee
' should think right and necessary under all
' circumstances.' And whereas by an Act of
this Island of the Thirty-first day of May,
One thousand eight hundred and seventy-
six, the operation of the said Act of the
Eighteenth day of October, One thousand
eight hundred and seventy, was continued
to the Fifth of June, One thousand
eight hundred and seventy-seven : And
whereas the operation of the said Act has
not been further continued, and the Cod-
rington College Grammar School is now
closed. And whereas by the rules and
regulations which the Education Commit-
tee established for granting Exhibitions at
the Codrington College Grammar School
under the said Acts, the time for which the
Committee would have granted Exhibitions
at the said school to certain of the boys, who
obtained Exhibitions there, has not yet ex-
pired, and those Exhibitioners are, some of
them, now continuing their studies at Har-
rison's College, and others are desirous of
going there. And whereas it is deemed ex-
pedient to make provision to enable the Edu-
cation Committee to place at Harrison's
College, or the Christ Church Middle School,
those boys who obtained Exhibitions at
the Codrington College Grammar School
under the said Acts, and, who would, but
for the expiry of the said Acts and the clos-
ing of the School, have obtained a fuller
benefit from their said Exhibitions : Be it
therefore enacted by the Governor, Council,

Preamble.

and Assembly of this Island, and by the authority of the same, as follows :—

The Education Committee may place such boys as obtained Exhibitions at the Codrington College Grammar School, at Harrison's College or Christ Church Middle School under certain conditions.

I. That such a sum as is necessary for that purpose, (according to the spirit and meaning of the said Act of the Eighteenth of October, One thousand eight hundred and seventy) is hereby granted from the Public Treasury to the Education Committee, payable, from time to time as the Committee shall make requisition for the same, on the warrant of the Governor-in-Council, for the purpose of enabling the Education Committee to place for education at Harrison's College, or the Christ Church Middle School, such boys as obtained exhibitions at the Codrington College Grammar School, under the said Acts of the Eighteenth of October, One thousand eight hundred and seventy, and the Thirty-first of May, One thousand eight hundred and seventy-six, or either of them, and who owing to the expiry of the said Acts and the closing of the said School, have not had the entire benefit of the time for which the Education Committee, according to their rules and regulations made under the said Acts would have granted the Exhibitions,—and the period which has elapsed between the Fifth day of June, One thousand eight hundred and seventy-seven, when the said Act of the Thirty-first day of May, One thousand eight hundred and seventy-six, expired, and the coming into operation of this Act shall not be reckoned in continuing the said Exhibitions, and such boys shall continue to hold the Exhibitions provided for by this Act, subject to the rules and regulations made by the Education Committee under the said Acts.

II. No such boy shall be entitled to hold

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any exhibition provided for by this Act, in conjunction with any other public Scholarship or Exhibition, and no such boy shall be entitled to the benefit of this Act, unless within three months from the passing of this Act he shall make a written application to the Education Committee, setting forth his claim to partake in the benefits thereof.

No boy shall be entitled to hold any Exhibition under this Act in conjunction with any other Scholarship or Exhibition without special permission of Education Committee.

CAP. XXVII.

[17th August, 1878.]

An Act to provide for the more convenient administration of the Extradition Acts, 1870 and 1873.

WHEREAS by the Act of the Imperial Parliament known as the Extradition Act 1870, it is amongst other things enacted that the said Act when applied by Order in Council, shall, unless it is otherwise provided by such Order, extend to every British Possession, and that the said Act should apply with regard to certain Foreign States with which certain treaties had been made in the same way as if an Order in Council referring to such treaties had been made, but with the following among other modifications, namely—No warrant of a Secretary of State shall be required, and all powers vested in, or acts authorised or required to be done, under the said Act by the Police Magistrates and the Secretary of State, or either of them, in relation to the surrender of a fugitive criminal, may be done by the Governor of the British Possession alone; and any Prison in the British Possession may be substituted for a Prison in Middlesex. And whereas by the said Act it is also enacted that:—If any Law or Or-

Preamble

dinance made before or after the passing of the said Act, by the Legislature of any British Possession, provision is made for carrying into effect, within such possession, the surrender of fugitive criminals who are in, or suspected of being in such British Possession, Her Majesty may, by the Order in Council applying the said Act in the case of any Foreign State, or by any subsequent order either suspend the operation within any such British Possession of the said Act or any part thereof, so far as it relates to such Foreign State or so long as such Law or Ordinance continues in force there and no longer; or direct that such Law or Ordinance, or any part thereof, shall have effect in such British Possession, with or without modifications and alterations as if it were part of the said Act: And whereas by another Act of the Imperial Parliament known as "The Extradition Act of 1873," it is enacted that the said Act shall be construed as one with "The Extradition Act 1870" and that the said two Acts may be cited together as "The Extradition Acts 1870 and 1873." And whereas it is expedient to provide for the more convenient administration within this Island of "The Extradition Acts 1870 and 1873," by conferring on the Police Magistrates of this Island the like powers and authorities in relation to the surrender of fugitive criminals as are by the said Acts vested in Police Magistrates and Justices of the Peace in the United Kingdom: Be it enacted therefore by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

Short Title.

I. This Act may be cited as the Extradition Act of Barbados, 1878.

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II. All powers vested in and acts authorised or required to be done by a Police Magistrate or any Justice of the Peace in relation to the surrender of fugitive criminals in the United Kingdom under the Extradition Acts, 1870 and 1873, are hereby vested in and may in this Island be exercised and done by any resident Police Magistrate in relation to the surrender of fugitive criminals under the said Acts.

Powers vested by the Imperial Extradition Acts in Magistrates and Justices of the Peace of the United Kingdom, hereby vested in any resident Police Magistrate of this Island.

III. This Act shall not come into operation until Her Majesty shall by Order in Council direct that this Act shall have effect within this Island as if it were part of the Extradition Act, 1870 ; but this Act shall thereafter come into operation as soon as such Order in Council shall have been publicly made known in this Island.

Suspending clause.

CAP. XXVIII.

[17th August, 1878.]

An Act for securing to James Blades Gooding, Gentleman, the sole use and benefit of a certain Vehicle drawn either by man or beast, with its improvements.

WHEREAS the said James Blades Gooding hath presented a Petition to the Honourable House of Assembly, in General Assembly assembled of this Island, setting forth that he has in his travels through foreign countries seen a Vehicle drawn by man and used for the conveyance of Passengers, and that he has invented various improvements to the said Vehicle, and being satisfied that he could render great convenience to the inhabitants of this Island, in conveying passengers in the Vehicle referred to, is willing to introduce the said Vehicle with his im-

Preamble.

provements into this Island, and praying that an Act shall be passed for securing to him the sole use and benefit of the said Vehicle with his improvements for a limited time : And whereas it is deemed expedient to grant the prayer of the said Petition : Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

Grants exclusive right for seven years from the date of this Act.

I. The said James Blades Gooding, his Executors, Administrators and Assigns, and every of them by himself and themselves, or by his and their deputy or deputies, servants or agents, or such others as he the said James Blades Gooding, his Executors, Administrators and Assigns shall at any time agree with, and no others from time to time, and at all times hereafter during the term of seven years from the passing of this Act, shall and lawfully may make, use, exercise and vend the said Vehicle with its improvements in such manner as to him the said James Blades Gooding, his Executors, Administrators or Assigns, or any of them shall in their discretion seem meet ; and that he the said James Blades Gooding, his Executors, Administrators and Assigns, shall and lawfully may have and enjoy the whole profits, benefit, commodity and advantage from time to time coming, growing, accruing and arising by reason of the said Vehicle with its improvements, for and during the term of seven years hereinbefore mentioned.

Protection to Patentee.

II. It shall not be lawful for any person or persons, bodies politic or corporate, or any of them during the continuance of the said term hereby granted, either directly or indirectly to make, use, or put in practice the said Vehicle with its improvements or any

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part of the same, nor in anywise counterfeit, imitate or resemble the same, nor make any addition thereto or subtraction from the same whereby to pretend himself, herself or themselves the Inventor or Inventors, Introducer or Introducers thereof, without the consent of the said James Blades Gooding, his Executors, Administrators and Assigns, in writing under their hands first had and obtained in that behalf.

III. If any person or persons whomsoever, body or bodies politic or corporate, shall, during the continuance of the said Term, at any time either directly or indirectly make, use, put in practice or vend the said Vehicle with its improvements, or any of them, or any part thereof within this Island, without a permission or license in writing, first had and obtained from the said James Blades Gooding, his Attorney, Executors, Administrators or Assigns, the said James Blades Gooding, his Executors, Administrators and Assigns shall have and be entitled to such and the like remedies both at Law and in Equity in the Courts of this Island, against every such person or persons, body or bodies politic or corporate, for every such infringement or violation of the rights and privileges hereby granted to him and them, or against the person or persons for whose benefit the same shall have been so made, used, or put in practice, without such license or permission as aforesaid as the grantee of any Letters Patent for any invention would be entitled to in the like case by the Law of England; and in any action which may be brought against any such person or persons, body or bodies politic or corporate, it shall be lawful for the Defendant in such action, to plead any such

Remedy for infringement.

Specification to
be filed in Colonial
Secretary's Office
within three months.

matter in defence as may be pleaded by any Defendant in any action brought in the Superior Courts of Law or Equity in England for the infringement of any Patent granted by Her Most Gracious Majesty the Queen: Provided nevertheless that if the said James Blades Gooding shall not file a specification of the said Vehicle with its improvements in the Colonial Secretary's Office of this Island within three months after the passing of this Act, that then this Act, and all liberties and advantages hereby granted shall utterly cease, determine, and become void, anything hereinbefore contained to the contrary thereof in anywise notwithstanding.

CAP. XXIX.

[17th August, 1878.]

An Act to amend an Act entitled "An Act to consolidate and amend the laws for the better prevention of Petty Thefts."

Preamble.

Of Larcenies by
Clerks or Servants.

WHEREAS by the Act of the Twenty-fourth day of August, One thousand eight hundred and seventy-two, entitled "An Act to consolidate and amend the laws for the better prevention of Petty Thefts," certain powers are given to Police Magistrates of this Island to entertain cases of Petty Thefts: And whereas it is expedient to amend the said Act by giving to Police Magistrates powers to entertain certain cases of embezzlement, of larceny by clerks or servants, and of obtaining property by false pretences: Be it therefore enacted by the Governor, Council, and Assembly of this Island and by the authority of the same, as follows:—

I. Whosoever being a clerk or servant, or

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being employed for the purpose or in the capacity of a clerk or servant, shall fraudulently embezzle any chattel, money, or valuable security, the value whereof shall not exceed Twenty shillings, which shall be delivered to, or received, or taken into possession by him, for or in the name, or on account of his master or employer, or any part thereof, shall be deemed to have stolen the same from his master or employer, although such chattel, money, or security was not received into the possession of such master or employer otherwise than by the actual possession of his clerk, servant, or other person so employed; and being convicted thereof before a Police Magistrate shall be liable to be imprisoned with or without hard labour for any term not exceeding three months.

Punishment for embezzlement when value does not exceed Twenty shillings.

II. If upon the trial of any person charged with embezzlement under this Act, it shall be proved that he took the property in question in any such manner as to amount in law to larceny, he shall not by reason thereof be entitled to be acquitted, but the Police Magistrate shall be at liberty to declare in his judgment that such person is not guilty of embezzlement but is guilty of larceny, and thereupon such person shall be liable to be punished in the same manner as if he had been charged with and convicted of Petty Theft under the said recited Act of the Twenty-fourth day of August, One thousand eight hundred and seventy-two; and if upon the trial of any person for petty theft under such Act it shall be proved that he took the property in question in any such manner as to amount in law to embezzlement, he shall not by reason thereof be entitled to be acquitted, but the Police Magistrate shall be at liberty to declare in his judgment that such

Persons tried for embezzlement may be convicted of larceny and *vice versa*.

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person is not guilty of petty theft but is guilty of embezzlement, and thereupon such person shall be liable to be punished in the same manner as if he had been charged and convicted of embezzlement under this Act : Provided that no person tried for embezzlement or petty theft as aforesaid, shall be liable to be afterwards prosecuted for petty theft or embezzlement upon the same facts.

Larceny by Clerks or Servants.

III. Whosoever being a clerk or servant, or being employed for the purpose, or in the capacity of a clerk or servant, shall steal any chattel, money, or valuable security belonging to or in the possession or power of his master or employer, the value whereof shall not exceed Twenty shillings, every such offender being convicted thereof before a Police Magistrate, shall be liable to be imprisoned with or without hard labour for any term not exceeding three months.

Persons tried for Larceny committed as a clerk or servant, may be convicted of simple larceny and *vice versa*.

IV. If upon the trial of any person charged with larceny as a clerk or servant, or being employed for the purpose or in the capacity of a clerk or servant it shall be proved that he took the property in question in such manner as to amount in law to larceny, though it may not be proved that he committed it in the capacity aforesaid, he shall not by reason thereof be entitled to be acquitted, but the Police Magistrate shall be at liberty to declare in his judgment that such person is not guilty of larceny as a clerk or servant or while employed for the purpose or in the capacity of a clerk or servant, but is guilty of simple larceny, and thereupon such person shall be liable to be punished in the same manner as if he had been charged with and convicted of petty theft under the said recited Act of the

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Twenty-fourth day of August, One thousand eight hundred and seventy-two; and if upon the trial of any person for petty theft under such Act, it shall be proved that he took the property in question in any such manner as to amount in law to larceny by a clerk or servant, or while employed for the purpose or in the capacity of a clerk or servant, he shall not by reason thereof be entitled to be acquitted, but the Police Magistrate shall be at liberty to declare in his judgment that such person is guilty of having committed the larceny as a clerk or servant or while employed for the purpose or in the capacity of a clerk or servant, and such person shall be liable to be punished in the same manner as if he had been charged and convicted of having committed a larceny as a clerk or servant, or while employed for the purpose or in the capacity of a clerk or servant under this Act: Provided that no person tried for petty theft or larceny as a clerk or servant as aforesaid shall be liable to be afterwards prosecuted for petty theft or larceny as a clerk or servant upon the same facts.

V. Whosoever shall by any false pretence obtain from any other person any chattel, money, or valuable security with intent to defraud, the value whereof shall not exceed Twenty shillings, every such offender being convicted thereof before a Police Magistrate shall be liable to be imprisoned with or without hard labour for any term not exceeding three months: Provided that if upon the trial of any person charged with such offence it shall be proved that he obtained the property in question in such manner as to amount in law to larceny, he shall not by reason thereof be entitled to be acquitted, but the Police Magistrate shall be at liberty

Obtaining property
by false pretences.

to declare in his judgment that such person is not guilty of obtaining property under false pretences, but is guilty of larceny, and thereupon such person shall be liable to be punished in the same manner as if he had been charged with and convicted of petty theft under the said recited Act of the Twenty-fourth day of August, One thousand eight hundred and seventy-two ; and if upon the trial of any person for petty theft under such Act it shall be proved that he obtained the property in question by means of false pretences, he shall not by reason thereof be entitled to be acquitted, but the Police Magistrate shall be at liberty to declare in his judgment that such person is not guilty of petty theft but is guilty of obtaining property by false pretences, and thereupon such person shall be liable to be punished in the same manner as if he had been charged and convicted of obtaining property by false pretences under this Act : Provided that no person tried for obtaining property by false pretences or petty theft as aforesaid shall be liable to be afterwards prosecuted for petty theft or obtaining property by false pretences upon the same facts : Provided that it shall be sufficient in any Information or complaint for obtaining property by false pretences under this Act to allege that the accused did the act with intent to defraud without alleging an intent to defraud any particular person, and without alleging any ownership of the chattel, money or valuable security, and on the trial of any such case it shall not be necessary to prove an intent to defraud any particular person, but it shall be sufficient to prove that the accused did the act charged with intent to defraud.

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VI. Whosoever shall by any false pretence cause or procure any money to be paid, or any chattel or valuable security to be delivered to any other person, the value of such money, chattel or valuable security not exceeding Twenty shillings, for the use or benefit or on account of the person making such false pretence, or of any other person, with intent to defraud, shall be deemed to have obtained such money, chattel or valuable security within the meaning of the last preceding Section.

Where property is caused to be delivered to any person other than the person making the false complaint.

VII. This Act shall be construed as one with, and be subject to the provisions of the said recited Act, of the Twenty-fourth day of August, One thousand eight hundred and seventy-two, entitled "An Act to consolidate and amend the laws for the better prevention of Petty Thefts."

Act to be construed with Act of 22nd August, 1872.

VIII. Any offence for petty theft, embezzlement, larceny as a clerk or servant, or obtaining property by false pretences, which may have been wholly or partially committed before the coming into operation of this Act, shall be dealt with, enquired of, tried, determined and punished in the same manner as if this Act had not been passed, and every complaint made and prosecuted or other proceeding that shall have been commenced relating to any of the said offences prior to this Act coming into operation, may be prosecuted, continued and adjudicated upon, as if this Act had not been passed.

Offences committed and proceedings commenced prior to Act coming into operation to be dealt with, and continued as if Act had no been passed.

IX. The second Section of the said recited Act of the Twenty-fourth day of August, One thousand eight hundred and seventy-two, is hereby amended by the insertion of the words "with or without hard labor," after the word "imprisoned."

The Act of 24th Aug. 1872, amended.

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CAP. XXX.

[22nd August, 1878.]

An Act to grant a pension to John Robert Gooding, late Police Magistrate of District "D."

Preamble.

Granting a Special Pension of £200 per Annum, to Mr. J. R. Gooding during his life, from the 7th day of Jany.. 1878, in lieu of any Pension under the Superannuation Act.

WHEREAS His Excellency the Governor hath by Message to the House of Assembly, Separate No. 87, of the 28th May, 1878, transmitted for the favorable consideration of the House, a petition from the said John Robert Gooding, late Police Magistrate of District "D," praying for an increase of the allowance of One hundred and five Pounds, made to him under the provisions of the Superannuation Act: And whereas it is deemed expedient under the circumstances of the case of the said John Robert Gooding, to grant him a special pension in lieu of his said allowance under the Superannuation Act: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, that an annual sum of Two hundred Pounds to commence from the Seventh day of January, One thousand eight hundred and seventy-eight, is hereby granted to the said John Robert Gooding during his life, to be paid monthly from the Public Treasury on the Warrant of the Governor-in-Council to the said John Robert Gooding or his order, and the same shall be in lieu of any pension allotted to the said John Robert Gooding, under the Superannuation Act.

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CAP. XXXI.

[31st August, 1878.]

An Act for securing to Henry Farrell Edey, of the Parish of Saint Michael, and Island abovesaid, Mechanic, the sole use and benefit of an Improved Lever.

WHEREAS the said Henry Farrell Edey hath presented a Petition to the Legislature of this Island, setting forth that he is the Inventor of an Improved Lever, and praying that an Act shall be passed for securing to him the sole use and benefit of his said Invention for a limited time : And whereas it is deemed expedient to grant the prayer of the said Petition : Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :

Preamble.

I. The said Henry Farrell Edey, his Executors, Administrators and Assigns, and every of them by himself and themselves, or by his and their deputy or deputies, servants or agents, or such others as he the said Henry Farrell Edey, his Executors, Administrators and Assigns, shall at any time agree with, and no others from time to time and at all times hereafter during the term of Seven years from the passing of this Act, shall and lawfully may make, use, exercise and vend the said Invention and method of applying the same to the Improved Lever in such manner as to him the said Henry Farrell Edey, his Executors, Administrators and Assigns, or any of them shall in their discretion seem meet ; and that he the said Henry Farrell Edey, his Executors, Administrators and Assigns, shall and lawfully may have and enjoy the whole profit, benefit,

Grants Patent for Seven years.

commodity and advantage from time to time coming, growing and arising by reason of the said Invention for and during the term of Seven years hereinbefore mentioned.

Protection.

II. It shall not be lawful for any person or persons, bodies politic or corporate, or any of them during the continuance of the said Term hereby granted, either directly or indirectly, to make, use, or put in practice the said invention or any part of the same, nor in any wise counterfeit, imitate or resemble the same, nor make any addition thereto or subtraction from the same, whereby to pretend himself or themselves the Inventor or Inventors thereof, without the consent of the said Henry Farrell Edey, his Executors, Administrators and Assigns, in writing under their hands and seals, first had and obtained in that behalf.

III. If any person or persons whomsoever, body or bodies politic or corporate, shall during the continuance of the said term, at any time, either directly or indirectly, make, use, put in practice or vend the said invention, or improvements, or any of them, or any part thereof within this Island, without a permission or license in writing, first had and obtained from the said Henry Farrell Edey, his Attorney, Executors, Administrators or Assigns, the said Henry Farrell Edey, his Executors, Administrators, and Assigns shall have and be entitled to such, and the like remedies, both at law and in equity in the Courts of this Island, against every such person or persons, body or bodies politic or corporate, for every such infringement or violation of the rights and privileges hereby granted to him and them, or against the person or persons for whose benefit the same

Remedy for using
Invention without
license of Patentee.

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shall have been so made, used or put in practice without such licence or permission as aforesaid, as the grantee of any Letters Patent for an Invention would be entitled to in the like case by the Law of England; and in any action which may be brought against any such person or persons, body or bodies politic or corporate, it shall be lawful for the defendant, in such action, to plead any such matter in defence, as may be pleaded by any defendant, in any action brought in the Supreme Court of Judicature in England, for the infringement of any Patent granted by Her Most Gracious Majesty the Queen: Provided, nevertheless, that if the said Henry Farrell Edey shall not file a specification of his said Invention in the Colonial Secretary's Office of this Island, within three months after the passing of this Act, that then this Act and all liberties and advantages whatsoever hereby granted shall utterly cease, determine, and become void, any thing hereinbefore contained to the contrary thereof in anywise notwithstanding.

Specification to be
filed in Colonial Secretary's Office.

CAP. XXXII.

[3rd December, 1878.]

An Act for the appointment of an Inspector of Asylums, Hospitals, and Alms Houses.

WHEREAS it is deemed advisable to appoint a Government Inspector of Hospitals, Asylums and Alms Houses within this Island: Be it therefore enacted by the Governor, Council, and Assembly, and by the authority of the same, as follows:—

Preamble.

I. After publication of this Act. the Governor shall be empowered to appoint some fit person, being a duly qualified medical

Appointment of a
Medical man as Inspector.

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man to be Inspector of Hospitals, Asylums, and Alms Houses within this Island.

Salary.

Not to hold any other office or appointment.

II. The Officer so appointed shall receive a salary of Six hundred Pounds in even monthly payments by warrant of the Governor in Council on the Public Treasurer, and shall not hold any other office or appointment.

Duties of Inspector.

III. It shall be the duty of the said Inspector to visit and inspect regularly, and whenever otherwise required to do so by order or direction of the Governor, the Lunatic Asylum, the Lazaretto, the General Hospital, the Prison Hospitals, and all Infirmeries, Homes and Alms Houses within the Island, or which may hereafter be brought into existence, in any way receiving public or parochial pecuniary aid, and the said Inspector shall report at regular periods, not exceeding three Calendar Months, for the information of the Governor, on the actual condition of the aforesaid Institutions or any such as may be brought into existence, and the inmates thereof.

Powers of Inspector.

IV. The Inspector may, and shall be empowered to visit any such Institution as aforesaid, with or without notice, at any time day or night, and shall be empowered to make any enquiry in furtherance of the purpose and object of this Act, of all persons being officers located on the premises or otherwise, receiving pay for performing any duties in connection with the said Institutions, and to call for and inspect any Books, Documents or Vouchers connected with the ordinary management and conduct of the Institutions.

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V. Should any officer or servant, whose duty it is to be in attendance and reside within any such Institution be absent when the Inspector shall make any visit, unless his or her absence be in due course of leave, or be satisfactorily accounted for; or should any Books, Documents or Papers as aforesaid, not be produced or be withheld on insufficient grounds, it shall be the duty of the Inspector at once in either of the above cases to report the matter specially to the Governor.

Duties of Officers
of Institutions.

VI. All visits made by the said Inspector to any such Institution as aforesaid, shall be recorded in a book to be kept on the premises for the purpose, together with the date of the visit, and any minute he may think it right to make, and the entry shall be signed by the Inspector.

Visitors' books to
be kept for the In-
spector to make En-
tries in.

VII. Should any Act be at any future time passed by the Legislature, providing for the Inspection of the aforesaid Institutions, under any more general system of Poor Relief, nothing in this Act contained shall be held to interfere with the right to make any other or any arrangements for the Inspection of the aforesaid Institutions, and any vested rights or interests which may be created by this Act shall be liable to be determined and divested by the provisions of any such Act.

Inspector not to
have a vested interest
in his office.

VIII. This Act shall continue in operation until the 31st of December, One thousand eight hundred and eighty, and no longer.

Limitation of Act.

[9th October, 1878.]

An Act to grant a sum of money, and a loan to the Vestry of the Parish of St. Andrew.

Preamble.

WHEREAS the Rector and Vestry of the Parish of Saint Andrew have, by their Petition to the General Assembly of this Island, represented that the parish of Saint Andrew is the only parish in the Island which has no Asylum or Alms House for its destitute poor, and that the petitioners feeling the great necessity of having one, they are desirous of building one as soon as possible, and that with this object in view they had raised by taxation the sum of Two hundred pounds, and that being unable to raise at once the remaining required sum, they prayed for a grant and a loan to effect the desired object. And Whereas it is deemed expedient to grant a sum of money and a loan to the said parish. Be it therefore enacted by the Governor, Council, and Assembly of this Island and by the authority of the same, as follows:—

Loan of £200 to the Vestry of St. Andrew.

I. The sum of Two hundred pounds is hereby granted from the Public Treasury to the Vestry of the Parish of Saint Andrew, to assist them in effecting the object of their petition, and the Governor-in-Council is hereby authorized and respectfully requested to issue a warrant to the Treasurer of the Island, requiring him to pay as a grant, such sum to the order of the Rector and Vestry of the said parish, so soon as they shall have certified that they have commenced the work.

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II. A loan of One hundred pounds is hereby granted from the Public Treasury to the Vestry of the said parish, to further assist them in effecting the object of their petition, and the Governor-in-Council is hereby authorised and respectfully requested to issue a warrant to the Treasurer of the Island, requiring him to pay, as a loan, such sum to the order of the Rector and Vestry of the said parish.

Manner of re-payment.

III. The said loan of One hundred pounds shall be repaid by the Parochial Treasurer of the said parish of Saint Andrew into the Colonial Treasury in the manner following; that is to say, one moiety thereof in the month of October in the year One thousand eight hundred and seventy-nine, and the remaining moiety thereof, in the month of October, in the year One thousand eight hundred and eighty.

Rates to be levied to provide for re-payment.

IV. The money for the repayment of the said loan of One hundred pounds shall be raised by the Rector and Vestry of the said Parish of Saint Andrew, in the manner following,—that is to say, they are hereby authorised and required at the laying of their rates on the Twenty fifth day of March, One thousand eight hundred and seventy-nine, and on the Twenty-fifth day of March, One thousand eight hundred and eighty, to levy a tax to be raised at such rates per acre on all lands and assessed values of houses in the said parish, as shall be ample to meet the annual repayment into the Public Treasury provided for in the third section of this Act; and all such persons as are by the Act of this Island of the Twenty-fourth day of March One thousand eight hundred and seventy-four,

**Powers of Parochial
Treasurer.**

Penalty for default.

entitled "An Act to consolidate and amend the several Acts of this Island relating to Vestries," liable to be assessed in respect of property, shall pay the rates to be so levied annually at the time when the general Parochial rates are due and payable to the Parochial Treasurer of the said Parish of Saint Andrew, the first payment thereof to be made in the year One thousand eight hundred and seventy-nine and the remaining payment thereof in the year One thousand eight hundred and eighty. And the said Parochial Treasurer shall have the same powers for collecting and enforcing payment of the said tax, as are provided by the said Act of the Twenty-fourth day of March, One thousand eight hundred and seventy-four. And the said Parochial Treasurer shall in the month of October, in the years One thousand eight hundred and seventy-nine, and One thousand eight hundred and eighty, pay the sums mentioned in the third section of this Act, to be collected under the rates ordered by this Act to be imposed, into the Public Treasury under a penalty of Fifty pounds for every omission in that respect, and any such penalty so incurred shall be recovered as servants' wages by the Colonial Treasurer, before a Police Magistrate, who is hereby empowered to entertain and adjudicate upon any complaint for the same. And it is hereby provided that if the amount in the last year of collection shall amount to more than will repay the loan, the whole assessment shall, notwithstanding, be collected, and the balance shall be retained by the Parochial Treasurer for the uses of the said Parish.

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CAP. XXXIV.

[19th October, 1878.]

An Act to enable the Highway Commissioners of the Parish of Saint James to pay an annual Pension to John King, from the Road funds of the said Parish.

WHEREAS Henry Greaves, George H. Alleyne, junior, and Edward N. Thomas, Commissioners of Roads for the Parish of Saint James, in this Island, have presented a Petition to the Legislature, setting forth that John King had been Inspector of Roads for the said Parish for a period of twenty-three years, and that having become blind he had been necessarily displaced and was now in very straitened circumstances, with a large family, and that they the said Petitioners were willing to allow him a small annual pension from the road funds of the said Parish, but had no authority to do so, and therefore they prayed the Legislature to pass an Act to grant them such power : And whereas it is deemed right to grant the prayer of the said Petitioners, and to pass an Act for such purpose : Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same : That from and after the passing of this Act the Commissioners of Roads for the time being of the Parish of Saint James, shall be and are hereby authorised and required to pay to the said John King, out of the moneys raised and levied from time to time in the said Parish for the repair of the Highways of the said Parish, an annual pension of Thirty-five Pounds during the term of his natural life, commencing from the First day of July, One thousand eight hundred and seventy-eight.

Preamble.

To pay John King an Annual Pension of Thirty-five pounds out of the moneys raised and levied for the repairs of Highways of the Parish, to commence from 1st July, 1878.

[29th October, 1878.]

An Act to make a Loan to the Vestry of the Parish of Saint Joseph.

Preamble.

WHEREAS the Rector and Vestry of the Parish of Saint Joseph, have by their Petition to the General Assembly of this Island, represented that their Parish Church is in a dilapidated condition, and prayed amongst other things to make them a loan to be repaid without interest, in yearly instalments of One hundred pounds, and whereas it is deemed expedient to make a loan to the said parish of Saint Joseph : Be it therefore enacted by the Governor, Council, and Assembly of this Island and by the authority of the same, as follows :—

Loan of £1000 to the Vestry of St. Joseph.

I. A Loan of One thousand pounds is hereby granted from the Public Treasury, to the Vestry of the said parish, to further assist them in effecting the objects of their petition ; and the Governor-in-Council is hereby authorised and respectfully requested to issue a warrant to the Treasurer of the Island, requiring him to pay, as a loan, such sum to the order of the Rector and Vestry of the said parish, and without interest.

Manner of re-payment.

II. The said loan of One thousand pounds shall be repaid by the Parochial Treasurer of the said parish of Saint Joseph into the Colonial Treasury, in the manner following, that is to say, One hundred pounds in the month of October, One thousand eight hundred and seventy-nine, and One hundred pounds in the corresponding month in each of the nine then next following years.

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III. The money for the repayment of the said loan of One thousand pounds, shall be raised by the Rector and Vestry of the said parish of Saint Joseph in the manner following, that is to say, they are hereby authorised and required at the laying of their rates on the Twenty-fifth day of March, One thousand eight hundred and seventy-nine, and on the Twenty-fifth day of March in every then ensuing year during the time this Act is in operation, to levy a tax to be raised at such rates per acre on all lands, and assessed values of houses in the said parish and on trade, as shall be ample to meet the annual repayment into the public Treasury, provided for in the second section of this Act; and all such persons as are by the Act of this Island of the Twenty-fourth day of March. One thousand eight hundred and seventy-four, entitled "An Act to consolidate and amend the several Acts of this Island relating to Vestries," liable to be assessed in respect of any property, or profits whatever, shall pay the rates to be so levied annually, at the time when the general Parochial rates are due and payable to the Parochial Treasurer of the said Parish of Saint Joseph, the first payment thereof to be made in the year One thousand eight hundred and seventy-nine, and the remaining payments in the years following until the said loan shall have been repaid in full; and the said Parochial Treasurer shall have the same powers for collecting and enforcing payment of the said tax, as are provided by the said Act of the Twenty-fourth day of March, One thousand eight hundred and seventy-four. And the said Parochial Treasurer shall in the month of October in every year, commencing with the year One thousand eight hundred and seventy-nine, pay the several sums mentioned

Rates to be levied to provide for re-payment.

Powers of Parochial Treasurer.

Penalty in default.

in the second section of this Act, to be collected under the rates ordered by this Act to be imposed, into the Public Treasury, under a penalty of Fifty pounds for every omission in that respect; and any such penalty so incurred, shall be recovered as servants' wages, by the Colonial Treasurer, before a Police Magistrate, who is hereby empowered to entertain and adjudicate upon any complaint for the same. And it is hereby provided that if the amount in the last year of collection shall amount to more than will repay the loan, the whole assessment shall notwithstanding be collected and the balance shall be retained by the Parochial Treasurer for the uses of the said parish.

CAP. XXXVI.

[25th November, 1878.]

An Act to amend the Law relating to Dower.

WHEREAS it is deemed expedient to amend the Law relating to Dower in this Island: Be it therefore enacted by the Governor, Council and Assembly of this Island, and by the authority of the same, as follows:—

Defining Ex-
pressions.

I. The words and expressions hereinafter mentioned, which in their ordinary signification have a more confined or a different meaning, shall in this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows; that is to say, the word "land" shall extend to messuages, and all other hereditaments, whether corporeal or incorporeal, (except such as are not liable to dower) and to any share thereof; and every

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word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing.

II. When a husband shall die, beneficially entitled to any land for an interest which shall not entitle his widow to dower out of the same at law, and such interest, whether wholly equitable, or partly legal and partly equitable, shall be an estate of inheritance in possession, or equal to an estate of inheritance in possession (other than an estate in joint-tenancy,) then his widow shall be entitled in equity to dower out of the same land.

Widows to be entitled to dower out of equitable estates.

III. When a husband shall have been entitled to right of entry or action in any land, and his widow would be entitled to dower out of the same if he had recovered possession thereof, she shall be entitled to dower out of the same, although her husband shall not have recovered possession thereof: Provided that such dower be sued for or obtained within the period during which such right of entry or action might be enforced.

Seisin shall not be necessary to give title to dower.

IV. No widow shall be entitled to dower out of any land which shall have been absolutely disposed of by her husband in his lifetime, or by his will.

No dower out of estate disposed of.

V. All partial estates and interests, and all charges created by any disposition or will of a husband, and all debts, incumbrances, contracts, and engagements to which his land shall be subject or liable, shall be valid and effectual, as against the right of his widow to dower.

Priority to partial estates charges and specialty debts.

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Dower may be barred by a declaration in a deed—

VI. A widow shall not be entitled to dower out of any land of her husband when in the deed by which such land was conveyed to him, or by any deed executed by him, it shall be declared that his widow shall not be entitled to dower out of such land.

or by a declaration in the husband's will.

VII. A widow shall not be entitled to dower out of any land of which her husband shall die wholly or partially intestate when by the will of her husband, duly executed by the devise of freehold estates, he shall declare his intention that she shall not be entitled to dower out of such land or out of any of his land.

Dower shall be subject to restrictions.

VIII. The right of a widow to dower shall be subject to any conditions, restrictions, or directions which shall be declared by the will of her husband, duly executed as aforesaid.

Devise of real estate to the widow shall bar her dower.

IX. Where a husband shall devise any land out of which his widow would be entitled to dower if the same were not so devised, or any estate or interest therein, to or for the benefit of his widow, such widow shall not be entitled to dower out of or in any land of her said husband, unless a contrary intention shall be declared by his will.

Bequest of personal estate to the widow shall not bar her dower.

X. No gift or bequest made by any husband to, or for the benefit of his widow, of or out of his personal estate, or of or out of any of his land not liable to dower, shall defeat or prejudice her right to dower, unless a contrary intention shall be declared by his will.

Agreement not to bar dower may be enforced.

XI. Provided always that nothing in this Act contained shall prevent any Court of equity from enforcing any covenant or agreement entered into by or on the part of any

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husband not to bar the right of his widow to dower out of his lands, or any of them.

XII. Nothing in this Act contained, shall interfere with any rule of equity, or of any ecclesiastical Court, by which legacies bequeathed to widows in satisfaction of dower are entitled to priority over other legacies.

Legacies in bar of dower still entitled to preference.

XIII. No widow shall hereafter be entitled to dower *ad ostium ecclesie*, or dower *ex assensu patris*.

Certain dowers abolished.

XIV. This Act shall not extend to the dower of any widow who shall have been or shall be married on or before the First day of January, One thousand eight hundred and seventy-nine, and shall not give to any will, deed, contract, engagement, or charge executed, entered into, or created before the First day of January, One thousand eight hundred and seventy-nine, the effect of defeating, or prejudicing any right to dower.

Act not to take effect before the 1st January 1879.

XV. No writ of right of dower, or writ of dower *unde nihil habet* shall be brought in any Court after the commencement of this Act, but where any such writ would now lie, an action may be commenced in the Court of Common Pleas in the same manner as an ordinary action, and in such action the plaintiff shall declare in dower.

Writ of right of dower and writ of dower *unde nihil habet* abolished, but where such writ would now lie, Action to be commenced in the Court of Common Pleas.

XVI. The service of the declaration, appearance of the defendant, proceedings in default of appearance, pleadings, judgment, execution, and all other proceedings and costs upon such action shall be subject to the same rules and practice, as nearly as may be, as the proceedings in an ordinary action; and the provisions of "The Common Law Procedure Act, 1859," shall apply to the action and pleadings and proceedings thereupon.

Declaration and all proceedings thereupon to be same as in ordinary actions.

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Repeal clause.

XVII. The 47th section of the Act of the Twenty-seventh day of August, One thousand eight hundred and fifty-three, entitled, "An Act for the limitation of actions and suits relating to real estate, and the charges thereon, and for facilitating the transfer of property," shall be and the same is hereby repealed; provided that this repeal shall not affect any right, privilege, obligation, or liability acquired, accrued, or incurred under the enactment hereby repealed.

Short title of Act.

XVIII. This Act may be cited for all purposes as "The Dower Act, 1878."

CAP. XXXVII.

[22nd November, 1878.]

An Act to remit certain tonnage, careenage, port, harbour, and other dues on the Schooner Henry Cole.

Preamble

All dues are remitted on the Schooner "Henry Cole" so long as she is used as a Bethel Ship.

WHEREAS the Reverend Philip Lovell Phillips hath presented his Petition to the Legislature of this Island, setting forth that he on the Seventeenth day of June last, purchased the Schooner "Henry Cole" for the purpose of converting it into a Bethel Ship, and that the careenage and other dues on the said vessel are so heavy that they, if charged, would render the scheme inoperative, and he prayed that inasmuch as the said vessel is to be used as a Bethel Ship, all past and future dues on the said vessel shall be remitted: And whereas it is deemed expedient to grant the prayer of the said Petition: Be it therefore enacted by the Governor, Council and Assembly of this Island, and by the authority of the same, that all tonnage, careenage, port, harbour, and other dues on the said Schooner "Henry Cole," since the said Seventeenth day of June last, and

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also all like dues on the said Schooner, so long as she shall be used as a Bethel Ship, shall be, and the same are hereby remitted.

CAP. XXXVIII.

[6th December, 1878.]

An Act to facilitate Leases and Sales of settled Estates

WHEREAS it is deemed expedient to pass an Act to facilitate leases and sales of settled Estates: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

Preamble.

I. This Act may be cited for all purposes as " The Settled Estates Act, 1878."

Interpretation of
" settlement " and
" settled estates."

II. The word " settlement," as used in this Act, shall signify any Act of the Legislature, deed, agreement, will, or other instrument, or any number of such instruments, under or by virtue of which any hereditaments of any tenure or any estates or interests in any such hereditaments stand limited to or in trust for any persons by way of succession, including any such instruments affecting the estates of any one or more of such persons exclusively.

The term " settled estates." as used in this Act, shall signify all hereditaments of any tenure, and all estates or interests in any such hereditaments, which are the subject of a settlement; and for the purposes of this Act a tenant-in-tail after possibility of issue extinct shall be deemed to be a tenant for life.

All estates or interests in remainder or reversion not disposed of by the settlement,

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and reverting to a settlor or descending to the heir of a testator, shall be deemed to be estates coming to such settlor or heir under or by virtue of the settlement.

In determining what are settled estates within the meaning of this Act, the Court shall be governed by the state of facts and by the trusts or limitations of the settlement at the time of the said settlement taking effect.

Interpretation of
"the Court"

III. The expression "the Court," in this Act, shall mean the Court of Chancery for this Island established.

Power to authorise
leases of settled es-
tates

IV. It shall be lawful for the Court, if it shall deem it proper and consistent with a due regard for the interests of all parties entitled under the settlement, and subject to the provisions and restrictions in this Act contained, to authorise leases of any settled estates, or of any rights or privileges over or affecting any settled estates, for any purpose whatsoever, whether involving waste or not, provided the following conditions be observed :

First. Every such lease shall be made to take effect in possession at or within one year next after the making thereof, and shall be for a term of years not exceeding, for an agricultural or occupation lease, twenty-one years, and for a lease of water mills, way leaves, water leaves, or other rights or easements forty years, and for a repairing lease sixty years, and for a building lease, ninety-nine years : Provided always, that any such lease (except an agricultural lease) may be for such term of years as the Court shall direct, where the Court shall be satisfied that it is the usual custom of the district and

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beneficial to the inheritance to grant such a lease for a longer term than the term hereinbefore specified in that behalf.

Secondly. On every such lease shall be reserved the best rent or reservation in the nature of rent, either uniform or not, that can be reasonably obtained, to be made payable half-yearly or oftener without taking any fine or other benefit in the nature of a fine : Provided always that in the case of a repairing lease, or a building lease, a peppercorn rent or any smaller rent than the rent to be ultimately made payable may, if the Court shall think fit so to direct, be made payable during all or any part of the first five years of the term of the lease.

Thirdly. Where the lease is of any earth, coal, stone or mineral, a certain portion of the whole rent or payment reserved shall be from time to time set aside and invested as hereinafter mentioned, namely, when and so long as the person, for the time being, entitled to the receipt of such rent is a person who by reason of his estate, or by virtue of any declaration in the settlement is entitled to work such earth, stone, or mineral for his own benefit, one-fourth part of such rent, and otherwise three-fourth parts thereof ; and in every such lease sufficient provision shall be made to ensure such application of the aforesaid portion of the rent by the appointment of trustees or otherwise as the Court shall deem expedient.

Fourthly. No such lease shall authorise the felling of any trees, except so far as shall be necessary for the purpose of clearing the ground for any buildings, excavations, or other works authorised by the lease.

Fifthly. Every such lease shall be by deed,

and the lessee shall execute a counterpart thereof, and every such lease shall contain a condition for re-entry on non-payment of the rent for a period of twenty-eight days after it becomes due, or for some less period to be specified in that behalf.

Leases may contain special covenants.

V. Subject and in addition to the conditions hereinbefore mentioned, every such lease shall contain such covenants, conditions, and stipulations as the Court shall deem expedient with reference to the special circumstances of the demise.

Parts of settled estates may be leased.

VI. The power to authorise leases conferred by this Act, shall extend to authorise leases either of the whole or any parts of the settled estates, and may be exercised from time to time.

Leases may be surrendered and renewed.

VII. Any leases whether granted in pursuance of this Act or otherwise, may be surrendered either for the purpose of obtaining a renewal of the same or not, and the power to authorise leases conferred by this Act, shall extend to authorise new leases of the whole or any part of the hereditaments comprised in any surrendered lease,

Power to authorise leases to extend to preliminary contracts.

VIII. The power to authorise leases conferred by this Act, shall extend to authorise preliminary contracts to grant any such leases, and any of the terms of such contracts may be varied in the leases.

Mode in which leases may be authorised.

IX. The power to authorise leases conferred by this Act, may be exercised by the Court either by approving of particular leases or by ordering that powers of leasing, in conformity with the provisions of this

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Act, shall be vested in trustees in manner hereinafter mentioned.

X. When application is made to the Court either to approve of a particular lease or to vest any power of leasing in trustees, the Court shall require the applicant to produce such evidence as it shall deem sufficient to enable it to ascertain the nature, value, and circumstances of the estate, and the terms and conditions on which leases thereof ought to be authorised.

What evidence to be produced on an application to authorise leases.

XI. When a particular lease or contract for a lease has been approved by the Court, the Court shall direct what person or persons shall execute the same as lessor; and the lease or contract executed by such person or persons shall take effect in all respects as if he or they was or were at the time of the execution thereof, absolutely entitled to the whole estate or interest which is bound by the settlement, and had immediately afterwards settled the same according to the settlement, and so as to operate (if necessary) by way of revocation and appointment of the use or otherwise, as the Court shall direct.

After approval of a lease Court to direct who shall be the lessor.

XII. Where the Court shall deem it expedient that any general powers of leasing any settled estates conformably to this Act should be vested in trustees, it may by order vest any such power accordingly either in the existing trustees of the settlement or in any other persons, and such powers, when exercised by such trustees, shall take effect in all respects as if the powers so vested in them had been originally contained in the settlement, and so as to operate (if necessary) by way of revocation and appointment of the

Powers of leasing may be vested in trustees.

use or otherwise, as the Court shall direct ; and in every such case the Court, if it shall think fit, may impose any conditions as to consents or otherwise, on the exercise of such power, and the Court may also authorise the insertion of provisions for the appointment of new trustees from time to time for the purpose of exercising such powers of leasing as aforesaid.

Conditions that leases be settled by the Court not to be inserted in orders made under this Act.

XIII. Provided always, that in orders under this Act for vesting any powers of leasing in any trustees or other persons. no conditions shall be inserted requiring that the leases thereby authorised should be submitted to or be settled by the Court, or be made conformable with a model lease deposited in the Judge's Chambers, save only in any case in which the parties applying for the order may desire to have any such condition inserted, or in which it shall appear to the Court that there is some special reason rendering the insertion of such a condition necessary or expedient.

Conditions where inserted may be struck out.

XIV. Provided also, that in all cases of orders in which any such condition as last aforesaid shall have been inserted, it shall be lawful for any party interested to apply to the Court to alter and amend such order by striking out such condition, and the Court shall have full power to alter the same accordingly, and the order so altered shall have the same validity as if it had originally been made in its altered state ; but nothing herein contained shall make it obligatory on the Court to act under this provision in any case in which from the evidence which was before it when the order sought to be altered was made, or from any other evidence, it shall appear to the Court

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that there is any special reason why in the case in question such a condition is necessary or expedient.

XV. It shall be lawful for the Court, if it shall deem it proper and consistent with a due regard for the interests of all parties entitled under the settlement, and subject to the provisions and restrictions in this Act contained, from time to time to authorise a sale of the whole or any parts of any settled estates or of any timber (not being ornamental timber growing on any settled estates and every such sale shall be conducted and confirmed in the same manner as by the rules and practice of the Court for the time being is or shall be required in the sale of lands sold under a decree of the Court.

Court may authorise sales of settled estates and of timber.

XVI. It shall be lawful for the Court, if it shall deem it proper and consistent with a due regard for the interest of all parties who are, or may hereafter be entitled under the settlement, and subject to the provisions and restrictions in this Act contained, to sanction any action, defence, petition to Legislature, legislative opposition, or other proceedings appearing to the Court necessary for the protection of any settled estate, and to order that all or any part of the costs and expenses in relation thereto be raised and paid by means of a sale or mortgage of or charge upon all or any part of the settled estate, or be raised and paid out of the rents and profits of the settled estate, or out of any moneys or investments representing moneys liable to be laid out in the purchase of hereditaments to be settled in the same manner as the settled estate, or out of the income of such moneys or investments, or out of any accumulations of rents, profits, or income.

Proceedings for protection.

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Consideration for land sold for building may be a fee farm rent.

XVII. When any land is sold for building purposes, it shall be lawful for the Court, if it shall see fit, to allow the whole or any part of the consideration to be a rent issuing out of such land, which may be secured and settled in such manner as the Court shall approve.

Minerals &c., may be excepted from sales.

XVIII. On any sale of land, any earth, stone, or mineral may be excepted, and any rights or privileges may be reserved, and the purchaser may be required to enter into any covenants or submit to any restrictions which the Court may deem advisable.

Court may authorise dedication of any part of settled estates for streets, roads and other works.

XIX. It shall be lawful for the Court, if it shall deem it proper and consistent with a due regard for the interests of all parties entitled under the settlements and subject to the provisions and restrictions in this Act contained, from time to time to direct that any part of any settled estates be laid out for streets, roads, paths, squares, gardens, or other open spaces, sewers, drains, or watercourses, either to be dedicated to the public or not; and the Court may direct that the parts so laid out shall remain vested in the trustees of the settlement, or be conveyed to or vested in any other trustees upon such trusts for securing the continued appropriation thereof to the purposes aforesaid in all respects, and with such provisions for the appointment of new trustees when required, as by the Court shall be deemed advisable.

As to laying out and making and executing and maintaining streets, roads and other works and expenses thereof.

XX. Where any part of any settled estates is directed to be laid out for such purposes as aforesaid, the Court may direct that any such streets, roads, paths, squares, gardens, or other open spaces, sewers, drains

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or watercourses, including all necessary or proper fences, pavings, connexions and other works incidental thereto respectively, be made and executed, and that all or any part of the expenses in relation to such laying out and making and execution be raised and paid by means of a sale or mortgage of or charge upon all or any part of the settled estates, or be raised and paid out of the rents and profits of the settled estates or any part thereof, or out of any moneys or investments representing moneys liable to be laid out in the purchase of hereditaments to be settled in the same manner as the settled estates, or out of the income of such moneys or investments, or out of any accumulations of rents, profits, or income; and the Court may also give such directions as it may deem advisable for any repair or maintenance of any such streets, roads, paths, squares, gardens, or other open spaces, sewers, drains, or watercourses, or other works, out of any such rents, profits, income, or accumulations during such period or periods of time as to the Court shall seem advisable.

XXI. On every sale or dedication to be effected as hereinbefore mentioned the Court may direct what person or persons shall execute the deed of conveyance; and the deed executed by such person or persons shall take effect as if the settlement had contained a power enabling such person or persons to effect such sale or dedication, and so as to operate (if necessary) by way of revocation and appointment of the use or otherwise as the Court shall direct.

How sales and dedications are to be effected under the direction of the Court.

XXII. Any person entitled to the possession or to the receipt of the rents and profits

Application by petition to exercise powers conferred by this Act.

of any settled estates for a term of years determinable on his death, or for an estate for life or any greater estate, and also any person entitled to the possession or to the receipt of the rents and profits of any settled estates as the assignee of any person who but for such assignment would be entitled to such estates for a term of years determinable with any life, or for an estate for any life or any greater estate, may apply to the Court by petition in a summary way to exercise the powers conferred by this Act.

With whose consent such application to be made.

XXIII. Subject to the exceptions hereinafter contained, every application to the Court must be made with the concurrence or consent of the following parties ; namely,

Where there is a tenant-in-tail under the settlement in existence and of full age, then the parties to concur or consent shall be such tenant-in-tail or if there is more than one such tenant-in-tail than the first of such tenants-in-tail and all persons in existence having any beneficial estate or interests under or by virtue of the settlement prior to the estate of such tenant-in-tail, and all trustees having any estate or interest on behalf of any unborn child prior to the estate of such tenant-in-tail ;

And in every other case the parties to concur or consent shall be all the persons in existence having any beneficial estate or interest under or by virtue of the settlement, and also all trustees having any estate or interest on behalf of any unborn child.

Court may dispense with consent in respect of certain estates.

XXIV. Provided always, that where an infant is tenant-in-tail under the settlement, it shall be lawful for the Court, if it shall think fit, to dispense with the concurrence

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or consent of the person, if only one, or all or any of the persons if more than one entitled, whether beneficially or otherwise, to any estate or interest subsequent to the estate tail of such infant.

XXV. Provided always, that where on an application under this Act the concurrence or consent of any such person as aforesaid shall not have been obtained, notice shall be given to such person in such manner as the Court to which the application shall be made shall direct, requiring him to notify within a time to be specified in such notice whether he assents to or dissents from such application, or submits his rights or interests, so far as they may be affected by such application, to be dealt with by the Court, and every such notice shall specify to whom and in what manner such notification is to be delivered or left. In case no notification shall be delivered or left in accordance with the notice, and within the time hereby limited, the person to or for whom such notice shall have been given or left shall be deemed to have submitted his rights and interest to be dealt with by the Court

Notice to be given to persons who do not consent to or concur in the application.

XXVI. Provided also, that where on an application under this Act the concurrence or consent of any such person as aforesaid shall not have been obtained, and in case such person cannot be found, or in case it shall be uncertain whether he be living or dead, or in case it shall appear to the Court that such notice as aforesaid cannot be given to such person without expense disproportionate to the value of the subject-matter of the application, then and in any such case the Court, if it shall think fit, either on the ground of the rights or interests of such

Court may dispense with notice under certain circumstances

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person being small or remote, or being similar to the rights or interests of any other person or persons, or on any other ground, may by order dispense with notice to such person, and such person shall thereupon be deemed to have submitted his rights and interests to be dealt with by the Court.

Court may dispense with consent having regard to the number and interests of parties.

XXVII. An order may be made upon any application notwithstanding that the concurrence or consent of any such person as aforesaid shall not have been obtained or shall have been refused, but the Court in considering the application shall have regard to the number of persons who concur in or consent to the application, and who dissent therefrom, or who submit or are to be deemed to submit their rights or interests to be dealt with by the Court, and to the estates or interests which such persons respectively have or claim to have in the estate as to which such application is made; and every order of the Court made upon such application shall have the same effect as if all such persons had been consenting parties thereto.

Petition may be granted without consent saving rights of non-consenting parties.

XXVIII. Provided nevertheless, that it shall be lawful for the Court, if it shall think fit, to give effect to any petition subject to and so as not to affect the rights, estate, or interest of any person whose concurrence or consent has been refused, or who has not submitted or is not deemed to have submitted his rights or interests to be dealt with by the Court, or whose rights, estate, or interest ought in the opinion of the Court to be excepted.

Notice of application to be served on all trustees, &c.

XXIX. Notice of any application to the Court under this Act shall be served on all trustees who are seized or possessed of any

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estate in trust for any person whose consent or concurrence to or in the application is hereby required, and on any other parties who in the opinion of the Court ought to be so served, unless the Court shall think fit to dispense with such notice.

XXX. Notice of any application to the Court under this Act shall, if the Court shall so direct, but not otherwise, be inserted in such newspaper or newspapers as the Court shall direct, and any person or body corporate, whether interested in the estate or not, may apply to the Court by motion for leave to be heard in opposition to or in support of any application which may be made to the Court under this Act; and the Court is hereby authorised to permit such person or corporation to appear and be heard in opposition to or support of any such application, on such terms as to costs or otherwise, and in such manner as it shall think fit.

Notice of application to be given in newspapers if Court direct.

XXXI. The Court shall not be at liberty to grant any application under this Act in any case where the applicant, or any party entitled, has previously applied to either House of Legislature for a private Act to effect the same or a similar object, and such application has been rejected on its merits.

No application under this Act to be granted where a similar application has been rejected by the Legislature.

XXXII. The Court shall direct that some sufficient notice of any exercise of any of the powers conferred on it by this Act shall be placed on the settlement or on any copies thereof, or otherwise recorded in any way it may think proper, in all cases where it shall appear to the Court to be practicable and expedient for preventing fraud or mistake.

Notice of the exercise of powers to be given as directed by the Court.

Payment and application of moneys arising from sales or set aside out of rent &c. reserved on mining leases.

XXXIII. All money to be received on any sale effected under the authority of this Act, or to be set aside out of the rent or payments reserved on any lease of earth, stone, or minerals, as aforesaid, may, if the Court shall think fit, be paid to any trustees of whom it shall approve, or otherwise the same shall be paid into Court *ex parte* the applicant in the matter of this Act; and such money shall be applied as the Court shall from time to time direct to some one or more of the following purposes, namely,—

The discharge or redemption of any incumbrance affecting the hereditaments in respect of which such money was paid, or affecting any other hereditaments subject to the same uses or trusts; or

The purchase of other hereditaments to be settled in the same manner as the hereditament in respect of which the money was paid; or

The payment to any person becoming absolutely entitled.

Trustees may apply moneys in certain uses without application to Court.

XXXIV. The application of the money in manner aforesaid may, if the Court shall so direct, be made by the trustees (if any) without any application to the Court, or otherwise upon an order of the Court upon the petition of the person who would be entitled to the possession or the receipt of the rents and profits of the land if the money had been invested in the purchase of land.

Until money can be applied to be invested and dividends to be paid to parties entitled.

XXXV. Until the money can be applied as aforesaid the same shall be invested as the Court shall direct in some or one of the investments in which cash under the control of the Court is for the time being authorised to be invested, and the interest and dividends of such investments shall be paid to the

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person who would have been entitled to the rents and profits of the land if the money had been invested in the purchase of land.

XXXVI. Where any purchase money paid into Court under the provisions of this Act, shall have been paid in respect of any lease for a life, or lives, or years, or for a life, or lives and years, or any estate in lands less than the whole fee simple thereof, or of any reversion dependent on any such lease or estate it shall be lawful for the Court on the petition of any party interested in such money to order that the same shall be laid out, invested, accumulated, and paid in such manner as the said Court may consider will give to the parties interested in such money the same benefit therefrom as they might lawfully have had from the lease, estate, or reversion in respect of which such money shall have been paid, or as near thereto as may be.

Court may direct application of money in respect of leases or reversions as may appear just.

XXXVII. The Court shall be at liberty to exercise any of the powers conferred on it by this Act, whether the Court shall have already exercised any of the powers conferred by this Act in respect of the same property or not; but no such powers shall be exercised if an express declaration that they shall not be exercised is contained in the settlement: Provided always, that the circumstance of the settlement containing powers to effect similar purposes shall not preclude the Court from exercising any of the powers conferred by this Act, if it shall think that the powers contained in the settlement ought to be extended.

Court may exercise powers repeatedly but may not exercise them if expressly negatived.

XXXVIII. Nothing in this Act shall be construed to empower the Court to authorise

Court not to authorise any Act which could not have been authorised by the settlor.

Acts of the Court in professed pursuance of this Act not to be invalidated.

Costs.

Rules and Orders.

any lease, sale, or other Act beyond the extent to which, in the opinion of the Court, the same might have been authorised in and by the settlement by the settlor or settlors.

XXXIX. After the completion of any lease or sale or other act under the authority of the Court, and purporting to be in pursuance of this Act, the same shall not be invalidated on the ground that the Court was not hereby empowered to authorise the same, except that no such lease, sale, or other act shall have any effect against such person as herein mentioned whose concurrence or consent ought to be obtained, or who ought to be served with notice, or in respect of whom an order dispensing with such service ought to be obtained in the case where such concurrence or consent has not been obtained and such service has not been made or dispensed with.

XL. It shall be lawful for the Court, if it shall think fit, to order that all or any costs or expenses of all or any parties of and incident to any application under this Act shall be a charge on the hereditaments which are the subject of the application, or on any other hereditaments included in the same settlement and subject to the same limitations; and the Court may also direct that such costs and expenses shall be raised by sale or mortgage of a sufficient part of such hereditaments, or out of the rents or profits thereof, such costs and expenses to be taxed as the Court shall direct.

XLI. General rules and orders of Court for carrying into effect the purposes of this Act, and for regulating the times and form and mode of procedure, and generally the practice of the Court in respect of the mat-

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ters to which this Act relates, and for regulating the fees and allowances to all officers and solicitors of the Court in respect to such matters shall be made, and such rules and orders may from time to time be rescinded or altered by the like authorities respectively, and all such rules and orders shall take effect as general orders of the Court.

XLII. All general rules and orders made as aforesaid shall be laid before the Legislative Council and the House of Assembly within forty days after the making thereof, if the Legislature is then sitting, or if not, within forty days after the commencement of the then next ensuing Session, and if an address is presented to the Governor by either House of Legislature within the next subsequent forty days on which the said House shall have sat, praying that any such rule or order may be annulled, the Governor may thereupon by Order-in-Council annul the same, and the rule or order so annulled shall thenceforth become void and of no effect, but without prejudice to the validity of any proceedings which may in the meantime have been taken under the same.

Rules and orders to be laid before the Legislative Council and the House of Assembly.

XLIII. It shall be lawful for any person entitled to the possession or to the receipt of the rents and profits of any settled estates for an estate for any life, or for a term of years determinable with any life or lives, or for any greater estate, either in his own right or in right of his wife, unless the settlement shall contain an express declaration that it shall not be lawful for such person to make such demise; and also for any person entitled to the possession or to the receipt of the rents and profits of any unsettled estates as tenant by the courtesy, or in

Tenants for life may grant leases for 21 years.

dower, or in right of a wife who is seized in fee, without any application to the Court, to demise the same or any part thereof, except the principal mansion house and the demesnes thereof and other lands usually occupied therewith, from time to time, for any term not exceeding twenty-one years to take effect in possession at or within one year next after the making thereof; provided that every such demise be made by deed, and the best rent that can reasonably be obtained be thereby reserved, without any fine or other benefit in the nature of a fine, which rent shall be incident to the immediate reversion; and provided that such demise be not made without impeachment of waste, and do contain a covenant for payment of the rent, and such other usual and proper covenants as the lessor shall think fit, and also a condition of re-entry on non-payment of the rent for a period of twenty-eight days after it becomes due, or for some less period to be specified in that behalf: and provided a counterpart of every deed of lease be executed by the lessee.

Against whom such leases shall be valid.

XLIV. Every demise authorised by the last preceding section shall be valid against the person granting the same, all other persons entitled to estates subsequent to the estate of such person under or by virtue of the same settlement if the estates be settled, and in the case of unsettled estates against the wife of any husband granting such demise of estates to which he is entitled in right of such wife and against all persons claiming through or under the wife or husband (as the case may be) of the person granting the same.

XLV. The execution of any lease by the

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lessor or lessors shall be deemed sufficient evidence that a counterpart of such lease has been duly executed by the lessee as required by this Act.

Evidence of execution of counterpart lease by lessee.

XLVI. All powers given by this Act, and all applications to the Court under this Act, and consents to and notifications respecting such applications, may be executed, made, or given by, and all notices under this Act may be given to guardians on behalf of infants, and by or to committees on behalf of lunatics, and by or to trustees or assignees of the property of bankrupts, debtors in liquidation, or insolvents: Provided nevertheless that in the cases of infant or lunatic tenants-in-tail no application to the Court or consent to or notification respecting any application may be made or given by any guardian or committee without the special direction of the Court.

Provision as to infants, lunatics &c.

XLVII. Where a married woman shall apply to the Court, or consent to an application to the Court, under this Act, she shall first be examined apart from her husband touching her knowledge of the nature and effect of the application, and it shall be ascertained that she freely desires to make or consent to such application; and such examination shall be made whether the hereditaments which are the subject of the application shall be settled in trust for the separate use of such married woman independently of her husband or not; and no clause or provision in any settlement restraining anticipation shall prevent the Court from exercising, if it shall think fit, any of the powers given by this Act, and no such exercise shall occasion any forfeiture, anything in the settlement contained to the contrary notwithstanding.

A married woman applying to the Court or consenting to be examined apart from her husband.

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Examination of married woman how to be made when residing within the jurisdiction of the Court and how when residing without such jurisdiction.

XLVIII. The examination of such married woman when resident within the jurisdiction of the Court to which such application is made, shall be made either by the Court or by some solicitor duly appointed by the Court for that purpose, who shall certify under his hand that he has examined her apart from her husband and is satisfied that she is aware of the nature and effect of the intended application, and that she freely desires to make or consent to the same. And when the married woman is resident out of the jurisdiction of the Court to which such application is made, her examination may be made by any person appointed for that purpose by the Court, whether he is or is not a solicitor of the Court, and such person shall certify under his hand to the effect hereinbefore provided in respect of the examination of a married woman resident within the jurisdiction. And the appointment of any such person not being a solicitor shall afford conclusive evidence that the married woman was at the time of such examination resident out of the jurisdiction of the Court.

As to application by or consent of married women whether of full age or under age.

XLIX. Subject to such examination as aforesaid, married women may make or consent to any applications whether they be of full age or infants.

No obligation to make or consent to application, &c.

L. Nothing in this Act shall be construed to create any obligation on any person to make or consent to any application to the Court or to exercise any power.

Tenants for life &c. to be deemed entitled notwithstanding incumbrances.

LI. For the purposes of this Act, a person shall be deemed to be entitled to the possession or to the receipt of the rents and profits of estates, although his estate may be charged or incumbered either by himself

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or by the settlor, or otherwise howsoever to any extent ; but the estates or interests of the parties entitled to any such charge or incumbrance shall not be affected by the acts of the person entitled to the possession or to the receipt of the rents and profits as aforesaid unless they shall concur therein.

LII. This Act shall, except as hereinafter provided, apply to all matters existing at the time of the passing of this Act, whether proceedings are actually pending or not, and any proceedings in any such matter may be continued or taken under this Act as if the matter originated under this Act.

To what settlements
this Act to extend.

CAP. XXXIX.

[7th December, 1878.]

An Act to amend the Laws of this Island relating to Coroners.

WHEREAS it is expedient to amend the Laws of this Island relating to Coroners: Be it therefore enacted by the Governor, Council and Assembly of this Island, and by the authority of the same, as follows :—

Preamble.

I. The Coroners of this Island shall be six in number, that is to say, one for the parish of Saint Michael, including the City of Bridgetown, which shall form one District, *to be called District A* ; one for the parishes of Christ Church and Saint George which shall form another district, *to be called District B* ; one for the parishes of Saint Philip and Saint John which shall form another District, *to be called District C* ; one for the parishes of Saint Thomas and Saint James which shall form another District, *to be called District D* ; one for the parishes of St. Peter

Number of Coroners
and districts.

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and St. Lucy, which shall form another District, *to be called District E*; and one for the parishes of Saint Andrew and Saint Joseph which shall form another District, *to be called District F*.

**Vacancies filled up
by Governor.**

II. It shall be lawful for the Governor, whenever a vacancy shall occur by death, resignation, or otherwise, in the office of Coroner, in any of the above mentioned Districts, to appoint some fit and proper person to fill the same.

Salaries of Coroners.

III. The Coroner of District "A," shall be paid a salary of £150 per annum, the Coroners of District "B," and District "C," shall each be paid a salary of £100 per annum; and each of the Coroners of the other districts shall be paid a salary of £80 per annum; and such salaries shall be paid monthly out of the Public Treasury in the usual manner, by warrant of the Governor-in-Council.

**Coroners to reside
within limits of their
districts.**

IV. Each Coroner shall reside within the District of which he is Coroner, unless from special circumstances, the Governor shall see fit to dispense with this requirement; and in case of inability from illness or other good and sufficient cause, any Coroner shall be prevented from attending to hold any Inquest *within his District*, it shall be lawful for the nearest Coroner to the place where such Inquest shall be held, or it shall be lawful for the Coroner so unable to act, to depute in writing under his hand, any Justice of the Peace of either of the Parishes comprised in his District, to hold such Inquest, and on the holding of such Inquest, the said nearest Coroner or Justice of the Peace so deputed shall have all the like powers and

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authorities as the Coroner himself would have if he held such Inquest. Provided that in any case where the Coroner is unable to act, and the nearest Coroner or any Justice of the Peace is required to act in his place, the Coroner so unable to act, shall, nevertheless, be held responsible for the holding of the Inquest.

V. The Coroner within whose jurisdiction there shall be lying any dead body, upon which an Inquest ought to be holden, shall hold the Inquest, notwithstanding that the cause of death did not arise within the jurisdiction of such Coroner. And in the case of any dead body found, or of any person dying at sea, or in cases of death occurring on board any ship or vessel in Carlisle Bay, or in any other of the shipping ports of this Island, under circumstances which make an Inquest necessary, such Inquest shall be holden by the Coroner having jurisdiction in the place where the body shall be first brought to land.

Inquest to be held where body lies dead.

Provision in cases of death at sea or in Carlisle Bay.

VI. In any case in which a Coroner's Jury shall have found a verdict of manslaughter against any person, it shall be lawful for the Coroner, before whom the Inquest was taken, to accept bail, if he shall think fit, with good and sufficient securities for the appearance of the person so charged with the offence of manslaughter, at the *then next ensuing* Court of Grand Sessions, to be holden in this Island; and thereupon such person if in custody of any officer, under a warrant of commitment issued by such Coroner, shall be discharged therefrom.

In cases of manslaughter bail may be taken.

VII. In every case in which any Coroner shall admit any person to bail, he shall cause

Form of recognizances when bail so taken.

recognizances to be taken in the Form given in the Schedule to this Act, marked A, and shall give a notice thereof to every person so bound, and shall return such recognizances to the then next ensuing Court of Grand Sessions.

Coroner empowered to summon Medical Witness and direct Post Mortem examination.

VIII. Whenever upon the summoning or holding of any Coroner's Inquest in this Island, it shall appear to the Coroner and the greater number of Jurymen sitting at the Inquest, necessary or expedient that medical testimony should be given regarding the death of the deceased, it shall be lawful for the Coroner to issue his order or summons for the attendance of the Medical Practitioner who attended the deceased person, during his or her last illness, or any other duly qualified Medical Practitioner as to the Coroner shall seem meet, as a witness at such Inquest; and it shall be lawful for the Coroner either in his order or summons for the attendance of the Medical Practitioner, or at any time between the issuing of such order or summons and the termination of the Inquest, to direct the performance of a post-mortem examination by such medical witness.

Coroner or majority of Jurymen may request an analysis to be made.

IX. Whenever any post-mortem examination shall have been made in pursuance of this Act, and it shall appear expedient to the Coroner and the greater number of Jurymen sitting on the Inquest, that an analysis of the contents of the stomach or intestines should be made, it shall be lawful for the Coroner to issue his order requiring the Medical Practitioner who made the post-mortem examination, or some other duly qualified person to make an analysis of the contents of the stomach or intestines of the deceased, and to give evidence concerning the same.

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X. Nothing in this Act shall necessitate the summoning of or attendance of any Medical man, for or at any Coroner's Inquest where the Coroner and Jury are both satisfied that the cause of death is sufficiently accounted for without having recourse to medical testimony.

Nothing in this Act to necessitate medical evidence when unnecessary.

XI. Any Medical Practitioner attending a Coroner's Inquest, for any of the purposes aforesaid, in obedience to any order or summons as aforesaid of the Coroner or any Medical Practitioner, or other person who, in obedience to any order of a Coroner, shall have made an analysis as aforesaid, and shall have given evidence concerning the same, shall be entitled to receive such remuneration or fee as is mentioned in Schedule B, herunto annexed, such remuneration or fee to be paid from the Public Treasury by Warrant of the Governor-in-Council, upon a Certificate of the Coroner holding the Inquest: Provided always and be it enacted that whenever an Inquest shall be holden on the dead body of any person who has died in any Public Hospital or Infirmary, or in any building or place belonging thereto, or used for the reception of patients thereof, or in any Prison, House of Correction, Lunatic Asylum, or other Public Institution having a Medical Officer attached thereto, then and in such case nothing herein contained shall be construed to entitle the Medical Officer whose duty it may have been to attend the deceased person as a Medical Officer of such institution as aforesaid, to the fees or remuneration herein provided, save and except such Medical Officer shall have been called upon to make, and shall have made an analysis of the contents of the stomach or intestines of the deceased, when he shall receive such fee

Fee for medical witness.

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or remuneration, as he may be entitled to under this Act, for making such analysis and giving evidence thereon.

Penalty for not obeying Coroner's summons or failing to attend.

Duty of Coroner in cases of default.

Police Magistrate to receive certificate of default.

Proviso.

XII. If any person duly summoned as a Juror or Witness to give evidence upon any Coroner's Inquest, or duly warned to appear at any adjournment thereof, shall not, after being openly called three times, appear and swear, or solemnly affirm, when by law an affirmation in lieu of oath is allowed, as such Juror, or appear and give evidence on such Inquest, every such Coroner shall be empowered to impose such fine upon every person so making default as he shall think fit, not exceeding Fifty shillings. And every such Coroner shall, with all convenient speed, make out and sign a certificate containing the name and surname, the residence and trade or calling of every such person so making default, together with the amount of the fine imposed, and the cause of such fine, and shall cause a copy of such Certificate to be served upon the person so fined, by leaving it at his residence twenty-four hours before proceeding as hereinafter mentioned. And such Coroner shall, unless the party in the meantime offer some sufficient excuse for his absence, transmit such Certificate to the Police Magistrate for the district in which such defaulter shall reside; and the Police Magistrate, upon proof of the service of the copy of such Certificate as aforesaid, shall immediately issue an execution under his hand, and the same shall be levied, and shall be paid to Her Majesty, her heirs and successors for the use of the Island. Provided always that nothing herein contained shall be construed to affect any power now by Law vested in the Coroner, for compelling any person to appear and give evidence

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before him on any Inquest or other proceeding, or for punishing any person for contempt of Court in not so appearing and giving evidence, or otherwise.

XIII. If when an Inquest is being holden any person shall wilfully insult the Coroner holding the same, or shall commit any other Contempt of Court, it shall be lawful for such Coroner either to direct such person to be removed from the Court or place in which such Inquest is being holden, or to be taken into custody, and at any time before the close of the day's proceedings, by warrant to commit such person to Gaol for any period not exceeding seven days, or to fine such person in any sum not exceeding Forty Shillings, and in default of payment, within such time as the Coroner shall order, to order imprisonment not exceeding the above term. **Contempt of Court.**

XIV. The number of Jurymen required to be empanelled on any Inquest, shall henceforth be not less than seven : Provided always that it shall be necessary for seven at least to agree as to any finding, and provided that a sufficient number of Jurymen be summoned to ensure the formation of a necessary panel. **Number of Jurymen required.**

XV. Any person who, in obedience to a summons, shall attend any Coroner's Inquest as a Jurymen, shall be entitled to receive such remuneration or fee as is mentioned in Schedule B, hereunto annexed; and every person who shall so attend and who shall be actually empanelled to serve on any Inquest, shall in case such Inquest be adjourned, be entitled to a like remuneration for each day he shall attend and serve as a Juror at such Inquest, such remuneration or fee to be paid from the Public Treasury, by warrant **Remuneration to Jurymen.**

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of the Governor-in-Council, upon a Certificate
of the Coroner holding the Inquest.

Place to be provided
for receiving dead bodies
in Bridgetown.

XVI. A suitable place shall be provided by the Consolidated Board at the public cost and be approved of by the Governor, for the reception of any dead body on which it may be necessary to hold an Inquest in the City of Bridgetown, and at such place, sufficient accommodation shall be made for holding the Inquest should it be deemed expedient there to hold it, provided however that it shall not be necessary to remove any dead body to such place unless the Coroner shall deem it expedient to do so.

Repealing Act of
17th March, 1874.

XVII. The Act of the Seventeenth day of March, One thousand eight hundred and seventy-four, entitled "An Act to consolidate and amend the Laws of this Island, relating to Coroners," is hereby repealed: Provided always that all appointments to the office of Coroner made before the passing of this Act, shall continue to be of the same force and effect as if this Act had not been passed, and all penalties which may have been imposed under the authority of the said repealed Act, shall and may be enforced and recovered, and all proceedings which may have been commenced under the said repealed Act shall be continued in the same manner as if the said Act had not been repealed.

SCHEDULE. A.

Be it remembered that on the	
day of	in the year of Our Lord
	A. B. of
L. M. of	and N. O. of
before	personally came
her for the parish of	Her Majesty's Coroner
	And

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severally acknowledged themselves to owe to Our Lady the Queen the several sums following; that is to say the said A. B. the sum of _____ and the said L.M. and N. O. the sum of _____ each, of good and lawful money of this Island, to be made and levied of their goods and chattels, lands and tenements respectively, to the use of Our said Lady the Queen, her heirs and successors, if he the said A. B. fail in the condition so endorsed.

Taken and acknowledged the day and year above-mentioned at
before me

J. S.

Coroner for the Parish of _____

CONDITION ENDORSED.

The condition of the within written recognizance is such that whereas a verdict of Manslaughter has been found against the said A. B. by a jury empaneled to enquire how and by what means _____ came by his death, if therefore the said A. B. shall appear at the next Court of Grand Sessions to be holden in this Island, and there surrender himself into the custody of the Keeper of the Goal, and plead to such inquisition, and take his trial upon the same, and not depart the said Court without leave, then the said recognizance shall be void, or else the same shall stand in full force and virtue.

SCHEDULE B.

1. To every legally qualified Medical Practitioner for attending to give evidence under the provisions of this Act at any Coroner's Inquest, where no post mortem exami-

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nation has been made by such Practitioner, the fee or remuneration shall be £1 1 0.

2. To any legally qualified Medical Practitioner for the making of a post mortem examination of the body of the deceased, and for attending to give evidence thereon, the fee or remuneration shall be £3 3 0.

3. For making an analysis of the contents of the stomach or intestines, and for attending to give evidence thereon, the fee or remuneration shall be a sum not exceeding £10 10 at the discretion of the Governor-in-Council.

4. For every Juryman who shall attend an Inquest to which he shall have been duly summoned, the fee or remuneration shall be 1/6, to be paid by the Police Magistrate of the District on the certificate of the Coroner, and if necessary to be re-imbursed to the Police Magistrate by the Colonial Treasurer on the warrant of the Governor-in-Council.

CAP. XL.

[7th December, 1878.]

An Act to repeal the Act of the 7th day of September, 1825, entitled, "An Act for building an additional place of Public Worship in Bridgetown, in the Parish of St. Michael," and to make St Mary's Chapel subject to the provisions of the Acts of this Island relating to the management and government of Parish Churches and Chapels, and other places of Divine Worship within this Island, and to the regulation of seats and sittings therein.

WHEREAS the Commissioners appointed under the Act of this Island of the Seventh day of September, One thou-

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sand eight hundred and twenty-five, entitled: "An Act for building an additional place of Public Worship in Bridgetown, "in the Parish of St. Michael," did in pursuance of the authority for that purpose given to them by the said Act, shortly after the date of the said Act, build in Bridgetown an additional place of Public Worship called "St. Mary's Chapel;" and whereas the Curate of the said Chapel now draws from the pew-rents of the Chapel, the sum of One hundred Pounds per annum on account of his stipend, and the remainder of the stipend is paid from the Public Treasury: And whereas the pew-rents of the said Chapel are not sufficient to pay the One hundred Pounds per annum to the Curate of the said Chapel, and the salaries of the Clerk and other officers, and for the repairs and other expenses of the Chapel: and whereas the said Chapel now very much requires repair, and the Commissioners have not the means to effect the same: And whereas it is deemed advisable to place the said Chapel on the same footing in all respects as the other Chapels in this Island, and to repeal the said Act of the Seventh day of September, One thousand eight hundred and twenty-five, and make the said Chapel subject to the provisions of the Acts of this Island relating to the management and government of Parish Churches, Chapels, and other places of Divine Worship within this Island, and to the regulation of seats and sittings therein: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Preamble.

I. From and after the passing of this Act, the said Chapel of St. Mary's, in the City of Bridgetown shall be, and the same is hereby,

St. Mary's Chapel
to be governed and
managed in the same
manner as other
Chapels in the Island

declared to be subject to the provisions of the several Acts of this Island relating to the management and government of Parish Churches, Chapels, and other places of Divine Worship within this Island, and to the regulation of pews, seats, and sittings therein, so far as the clauses and provisions of the said several Acts extend to and affect the management and government of Chapels, and the regulation of pews, seats, and sittings in the same,

Act of 1825 repealed.

II. The said recited Act of the Seventh day of September, One thousand eight hundred and twenty-five, is hereby repealed, provided however, that this repeal shall not affect—

Provisoos.

- (1.) the past operation of the enactment hereby repealed, nor anything duly done or suffered under the enactment hereby repealed, nor,
- (2.) any right, privilege, obligation or liability, acquired, accrued or incurred, under the enactment hereby repealed, nor,
- (3.) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation or liability, as aforesaid, and any such investigation, legal proceeding, and remedy may be carried on as if this Act had not passed,

And provided also that nothing in this Act shall be construed to deprive the Rector of the said Parish of St. Michael of his right to nominate the Curate of the St. Mary's Chapel, as in the case of the other Chapels in the said Parish.

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OAP. XLI.

[9th December, 1878.]

An Act to establish a General Education Board and to provide for the improvement and extension of the educational system of the Colony.

WHEREAS it is deemed advisable to consolidate and amend the several Acts of this Island relating to Education ; and whereas it is also deemed expedient to establish a General Education Board, and to make provision for the carrying out of a comprehensive system of Education, based on the Recommendations of a Commission appointed to enquire into the subject of Education in this Colony, which presented its Report in the year One thousand eight hundred and seventy-five : Be it therefore enacted by the Governor, Council, and Assembly of this Island and by the authority of the same, as follows—

Preamble.

I. This Act may be cited for all purposes as “ The Education Act, 1878.”

Short title.

THE EDUCATION BOARD AND ITS OFFICERS.

II. For the purposes of this Act a Board, to be called the Education Board, shall be and the same is hereby established, and the said Board shall be composed of a President and eight other persons to be nominated immediately on the passing of this Act and from time to time and thereafter by the Governor, of whom three at least shall be members of the Legislative Council, and four at least members of the General Assembly ; provided always that the members so appointed from the General Assembly shall continue to be

Composition of Education Board.

members of the Board in each subsequent Session, if returned to serve therein, and shall also continue to act as Members of the Board after the expiration or dissolution, and during the prorogation, of the General Assembly, without its becoming necessary to make new appointments for the time being.

Quorum.

III. Any four members of the Education Board shall be sufficient to form a Board.

Appointment of Secretary.

IV. The Education Board are hereby authorized and empowered, immediately on the passing of this Act and from time to time thereafter, as may be necessary, to appoint some fit and proper person to be Secretary of the Education Board, at a salary of £150 per annum, to be paid monthly from the Public Treasury on the warrant of the Governor-in-Council.

Pension to present Secretary.

V. The present Secretary of the Education Committee is hereby granted a retiring allowance during his natural life of £50 per annum, to be paid monthly from the Public Treasury on the warrant of the Governor-in-Council.

Present Inspector of Schools.

VI. The present Inspector of Schools shall continue to hold that office, and shall receive from the Public Treasury a salary of £500 per annum, to be paid monthly on the warrant of the Governor-in-Council. And he shall be and is hereby required to devote his entire and undivided attention to the duties of his office ; to exercise a general supervision over all public elementary schools, and to visit all primary schools receiving public aid, as often as circumstances will permit; to enter a record in the school books of the date of such visits, and of

duties.

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the condition in which he may find the said schools at the time of his respective visits to each ; and to hold any examination of all such primary schools at least once in every two years ; but the Inspector shall not interfere with the management of the schools or do more than tender his advice ; and the said Inspector shall make not later than the Thirty-first day of January in each year a report in writing on such schools as he may have examined during the past year, to the Governor for the information of the Legislature ; and he shall also make special reports to the Education Board on any matter connected with the schools, whenever occasion shall require it ; and in the performance of these and all other duties of his office the Inspector shall be subject to the general direction of the Education Board.

VII. On the vacating of his office by death, resignation, dismissal, or otherwise, by the present Inspector of Schools, and from time to time thereafter as occasion may arise, the Education Board shall be authorized and empowered to appoint some fit and proper person to be Inspector of Schools, who shall be paid the like salary in the like manner, and shall in all respects perform the like duties under the like conditions, as are prescribed in the next preceding section in regard to the present Inspector of schools.

Appointment of future Inspector of Schools.

VIII. On the passing of this Act, and from time to time thereafter as may be necessary, it shall be lawful for the Education Board to appoint some fit and proper person to be Sub-Inspector of Schools, who shall receive from the Public Treasury a salary not exceeding the sum of £250 per annum, to be paid monthly on the warrant of the Go-

Appointment of Sub-Inspector of Schools

duties. verner-in-Council ; and this officer shall, subject to the order and direction of the Education Board, be specially charged with the examination and inspection of all infant schools receiving public aid ; and these duties he shall discharge in the like manner and under the like conditions as to visiting, reporting, and otherwise, as are set forth in the two next preceding sections in reference to the inspection of primary schools by the Inspector of Schools.

FUNCTIONS OF THE EDUCATION BOARD.

Functions of the Education Board.

to carry into effect the recommendations of the Commission,

to submit annual estimates,

and detailed statement of expenditure.

IX. It shall be the duty of the Education Board to gradually carry into effect, as nearly as may conveniently be done, the Recommendations contained in the Report of the Education Commission of 1874-5, so far as the same are embodied in this Act, first giving their care to the amendment and extension of the system of elementary education ; and in order that this may be done more effectually, and that the objects of this Act may in all respects be fully carried out, they are hereby authorised and required at the end of the present year, or at the beginning of the next ensuing year and every year thereafter, to submit to the Legislature, either along with the General Colonial Estimates, or separately therefrom, as shall seem best to the Governor, an estimate in detail of all sums which will be required for educational purposes and for the working of this Act during the then current or ensuing year—as the case may be—and along with such estimates there shall also be laid before the Legislature by the Education Board a statement in detail, showing the expenditure of the sums voted during the preceding year.

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X. In framing their annual estimates for the purposes of carrying out the above-mentioned improvements and for the general educational service of the Colony, the Education Board shall not in any one year suggest any greater increase on the preceding year's estimates than £2000 in the year 1879 and £1000 in any year thereafter, but subject to this limitation, they are hereby authorised to increase the estimates in each year by such an amount as they shall deem proper for educational purposes. Provided always that in case of delay in voting the annual estimates for the purposes of this Act, from whatever cause or in whatever manner arising, the Educational Establishment as provided for by the then last voted estimates shall in the meantime continue to be maintained from and by the Public Treasury, but under no circumstances shall it be so maintained for any longer period than twelve months; and provided also that the annual expenditure under this Act shall in no event in any year exceed Fifteen thousand pounds.

Board not to suggest a greater increase than £2000 on preceding year's estimates.

Proviso in case of neglect or delay in voting supplies or otherwise

XI. In case any urgent necessity shall arise for so doing, the Education Board shall have power in any year to frame and submit supplementary estimates to the Legislature for the purpose and in the manner hereinbefore mentioned, subject to the proviso as to yearly increase of the estimates contained in the previous section,

Supplementary estimates.

XII. The Governor-in-Council is hereby authorised and requested to issue warrants to the Treasurer of the Island for payment of such sums of money as may from time to time be required by the Education Board for the purposes of this Act, not exceeding in any year the sum voted for the same, or in

Payments to be by warrants of the Governor-in-Council.

case of delay in voting the annual estimates, the sum last voted for the same.

Board may make rules and regulations

to be approved by the Governor-in-Council.

General duties of Board.

XIII. The Education Board are hereby authorised and empowered to make rules and regulations for all matters and things connected with the educational service of the Colony, or relevant to all and every the purposes of this Act; and further they shall have power from time to time to alter, amend, add to, or annul all such rules and regulations and all such rules and regulations when so made, altered, amended or added, shall be submitted to the Governor-in-Council for his approval, and when approved shall be published six times in the *Official Gazette* of this Island, and shall thereafter have the force and effect of law in as ample a manner to all intents and purposes as if they had been inserted in this Act.

XIV. It shall be the general duty of the Education Board to carry out the provisions of this Act and to secure in all respects and by all means its efficient working; they shall receive applications for aid from public elementary Schools, and when they think fit award the grants thereon; they shall take special care that all sums whatever granted and paid under all or any of the provisions of this Act shall be properly and usefully applied and expended; they shall receive and consider the Inspector's and Sub-Inspector's reports; and, whenever they may deem it expedient, they shall visit and examine any school or schools receiving Legislative aid, and draw up reports in reference thereto, and lay the same before the Governor for the information of the Legislature.

XV. Once in every year before the estimates of the year are presented, the Education Board shall present to the Governor, for the information of the Legislature, a report showing the general working during the past year of the educational system intended to be established by this Act.

Board to present annual Reports on the general working of the Educational system.

ELEMENTARY SCHOOLS.

XVI. The Vestries of the several Parishes are hereby relieved of their present obligation to assist in the education of the poorer classes, and instead thereof the burden of such education shall be borne by the general Revenue of the Colony, and shall be defrayed by the Education Board out of the sums annually to be voted for the purposes of this Act; provided however that the said Vestries shall be and are hereby required to provide by building or otherwise, and keep in good repair all such school buildings, including teachers' houses, as the Education Board shall from time to time by requisition in writing call on them to provide or put in good repair in their several parishes, and the said Vestries shall in all respects comply with requisitions of the Education Board in respect of the construction or repairs of such school buildings; and for the purposes of this section the said Vestries are hereby authorised and required to lay rates in their respective parishes at every annual laying of rates; provided however that in the case of St. Michael's parish no such requisition shall be for a greater amount than £200 in any one year; in the cases of the parishes of St. Philip, Christ Church, and St. George, for a greater amount than £100 in any one year; and in the cases of the other parishes respectively, for a greater amount than £75

The burden of the education of the poor to be borne by the general Revenue.

Proviso—Vestries to provide buildings and to keep them in repair.

to comply with requisition of Education Board.

authorised to lay rates for the purpose.

Appeal to Governor-in-Council.

in any one year ; and provided also that the Vestry of any parish may appeal within fourteen days after such requisition shall have been made to them, to the Governor-in-Council, in respect of the subject matter thereof, and the Governor-in-Council after inquiry into the matter shall have power either to confirm, modify, or disallow any such requisition.

Board to make rules and regulations for the government of primary schools.

XVII. The Education Board shall make rules and regulations for the good government of the public elementary schools ; for securing a more real distinction between primary and infant schools ; for the subjects to be taught, and the course and order of study in such schools ; for the appropriation of the sums granted in aid thereof ; for settling and enforcing the payment of the fees to be paid therein ; and for the better remuneration of the masters, mistresses, and pupil-teachers thereof.

Primary Schools not to receive legislative aid unless a certain average attendance is attained.

XVIII. No primary school shall be entitled to be placed on the list of the Education Board to receive Legislative aid unless the number of children in actual average attendance at such school during the three previous months be not less than fifty except as respects the parish of Saint Andrew, in which parish the required average attendance, as aforesaid, shall be thirty-five ; but after any such school shall have been placed on the list of the Education Board and shall have received legislative aid, it shall be lawful for the Education Board to continue to make grants to such school, although the average attendance as aforesaid of children may have fallen below fifty in the other parishes or below thirty-five in the case of St. Andrew's, if and so long as circumstances

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shall appear to them to justify it ; provided always that in no case shall legislative aid be granted to any such school when its average attendance as aforesaid shall have fallen below thirty in the other parishes, or below twenty in St. Andrew's.

XIX. Whereas there are two private poor schools, endowed during the existence of slavery, which have been aided by the Vestries of the parishes in which they exist ; Be it enacted that public money, parochial or otherwise, shall not be granted under any circumstances or in any form in aid of the funds of any school maintained for the education of children of any particular complexion.

Schools for the education of children of any particular complexion not to receive Legislative aid.

XX. It shall not be lawful for any teacher or any other person connected with any public elementary school to give or distribute to any child attending any such school, any dole or portion of food or clothing or any money, for the purpose of inducing such child to attend school.

'Doles' prohibited.

XXI. Every public elementary school shall be under the immediate superintendence of a Committee composed of the Minister of the district, or of the congregation with which such School is connected, and two laymen to be appointed annually by the Education Board, and in each case the said Minister shall be the Chairman of such Committee, and the Committee shall exercise all the rights of patronage in such school, including the appointment and dismissal of the master or mistress or pupil teachers of such school, subject however to approval by and a right of appeal to the Education Board.

School Committees.

XXII. Whereas it is desirable that the

- Compulsory Education.** whole population of the Colony should be brought under the operation of the system of Education intended to be established by this Act: Be it enacted that the Education Board shall have power to make rules and regulations for bringing into operation, when they shall see fit, the principle of the English Factory Acts, that is by providing that it shall not be lawful for any person to employ any child under the age of twelve years, to work for any pecuniary wage or any reward whatsoever, unless previous to such employment such child shall have passed a minimum standard of educational qualification, to be fixed by the Education Board, before the Inspector of Schools or the Sub-Inspector, or, in the case of other than public elementary schools, before such person as the Education Board shall approve. Provided that to acquire the educational qualification herein referred to, no child shall be required to pass an examination in any religious doctrine or instruction, except with the knowledge and concurrence of the parent or other lawful guardian for the time being of such child.
- English Factory Acts.**
- Conscience Clause.**
- Half-time system.** XXIII. Either as an alternative to the procedure indicated in the last foregoing section or concurrently therewith, as they shall think fit, the Education Board shall have power to make rules and regulations for bringing into operation the half-time system, that is, for compelling the attendance of all children under the age of twelve years at some recognized school, public or otherwise, during a certain number of days or a certain number of hours in each week, as they shall think fit, the usual periods of school holidays being excepted. Provided that no such rule or regulation shall in any

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way interfere with the religious belief to which any child so compelled to attend school may belong, and provided that any rule or regulation made under this section requiring a child to attend school shall provide for the total or partial exemption of such child from attending school, if the Inspector or Sub-Inspector of Schools certifies that such child has reached such a standard of education as would in the opinion of such Inspector or sub-Inspector be sufficient to exempt the attendance at school of such child, and the Inspector or Sub-Inspector is hereby required to examine any child for the above purpose when instructed so to do by the Education Board.

Conscience Clause.

XXIV. The Education Board are hereby authorised and required to appoint such officers and to make all such rules and regulations as may in their judgment be necessary for carrying out, in the most effectual and at the same time the most simple and least harrassing manner, the intention of the two last preceding sections or either of them, and such rules and regulations, besides being approved and published as is hereinbefore provided, shall be laid on the table of both Houses of the Legislature, and if within twenty-one days thereof, either House shall present an address to the Governor against any of the said rules and regulations, then such rule or rules and regulation or regulations shall *ipso facto* stand annulled ; and any person violating any rule or regulation passed under this Act, except any rule or regulation which may have become annulled in the manner specified by this section, shall be liable for every such offence to a penalty not exceeding ten shillings, to be recovered as in the case of servants' wages before a

Board may make provisions for carrying out the intention of Sections 22 & 23.

Penalty on violation of regulations.

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Police Magistrate, on the complaint of any person, and to be paid into the Public Treasury.

Six exhibitions of £25 each to be held at any first Grade School by boys in humble means.

Board to settle conditions of competition.

XXV. In order to facilitate the bringing of very promising boys in humble circumstances within the reach of the advantages of higher education, six exhibitions, not exceeding £25 per annum each in value, may be awarded, one in each year, by the Education Board, to boys of sufficient merit, educated in the primary schools of this Island, to be held at any first grade school; and the candidates for such exhibitions shall be admitted to compete under such conditions as to age, and shall be examined in the manner and in the subjects and under the conditions, which shall be prescribed in any rules made by the Education Board for that purpose, and the exhibitions shall be tenable for not more than six years each on such terms and conditions as the Board shall in like manner appoint.

Teachers' examination.

XXVI. An annual examination of such teachers as shall offer themselves for that purpose shall be held by such persons as the Education Board shall appoint, and a list of all who pass shall be published, and those who pass with credit shall be ranked in three honour-classes, and certificates accordingly shall be awarded to all who pass, and annual premiums shall be awarded by the Education Board to the holders of such certificates, while teaching in any public Elementary Schools, according to a scale to be fixed by the said Board.

Pupil-Teachers.

XXVII. The master or mistress of every Elementary School which the Inspector of Schools or the Sub-Inspector shall certify,

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subject to the rules of the Education Board, to be in a fit state for employing and training pupil-teachers, shall be allowed, subject to the rules aforesaid to receive, as such pupil-teachers, young persons who shall be at least fourteen years of age, have a good character from their Minister or some other respectable person, and pass a satisfactory examination; and for every such pupil-teacher so received the said master or mistress of such school shall receive such payment as the Education Board shall think fit.

XXVIII. Every such pupil-teacher who shall have been admitted into any school as aforesaid, and who shall produce a certificate of good conduct for the preceding twelve months from his Minister or some other person approved of by the Education Board, shall be examined annually by such persons as shall be appointed for that purpose from time to time by the Education Board, and shall, if he pass, be entitled to receive a certificate, and be classified according to his proficiency, and shall receive such allowance as the Education Board shall think it proper to make.

Examinations of pupil-teachers.

XXIX. Whereas it is desirable in the interests of elementary education, that greater facilities should be afforded to the teachers of elementary schools, to obtain a good and sound preparation and training for their office; and whereas there is at present no institution in this Island devoted to such an object, and the authorities of Codrington College have liberally offered to the Colony the use of the Mission House there, to meet this want: Be it enacted that the Education Board shall in each and every year select by competition from among the pupil-teach-

Training-school for masters.

ers five candidates for masterships in primary schools, to be paid a sum not exceeding £20 each per annum, and to be trained in the Codrington Mission House for two years each, if they shall conduct themselves properly during that period, and to be subject in all things to the control and supervision of the Education Board. And the Education Board shall, conjointly with the authorities of Codrington College, make such arrangements, together with such rules and regulations, for the instruction and discipline of such students as they shall deem meet ; provided always, that the rights of conscience of each and ail of such students in respect of their religious beliefs shall be duly and fully protected in all such arrangements, rules and regulations.

Training of mistresses

XXX. The Education Board shall have power to make arrangement for the training of a certain number of female teachers for infant schools under like conditions to those contained in the last preceding section, provided that the expenditure for such purposes shall not exceed £100 in any one year.

INDUSTRIAL AND RAGGED SCHOOLS

Board may frame schemes for Establishment of Industrial schools,

XXXI. Whereas it is expedient to make provision for the education of vagrant and destitute children and for their training in habits of industry and honesty : Be it enacted that the Education Board shall have power, and they are hereby required, to frame schemes for the establishment of an industrial school in or near Bridgetown, and also, if they shall think it advisable, of one or more Industrial Schools in such localities in the country districts as they shall judge best suited to the purpose, and also, if they shall think fit, for the establishment of Rag-

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ged Schools in Town or elsewhere ; and the Board shall submit such schemes to the Legislature, along with the estimate of the cost of the establishment of such school or schools, to be by them approved, amended, or disallowed as the case may be, and the Board are hereby authorised to make rules and regulations for the maintenance, good government, and working of such school or schools, when so established, and to appoint such officers from time to time as they shall judge to be necessary, and at such salaries as they shall think fit.

and of Ragged schools

to be submitted to the Legislature.

Rules & regulations.

SECOND GRADE SCHOOLS.

XXXII. Whereas there is at present no adequate provision made for the obtaining by the children of the middle classes of an education calculated to fit them for the duties of life, and whereas in order to supply this want, it is expedient to enable the Education Board to act on and carry out in detail the Recommendations on this subject of the said Education Commission, contained in their aforesaid Report : Be it enacted that the Education Board shall have power, and they are hereby required to frame schemes for the establishment, either concurrently or from time to time, of second grade schools in such localities as may be deemed by them expedient.

Board to have power to frame schemes for establishment of second-grade schools.

XXXIII. Whereas in the preamble of an Act passed the Sixteenth day of March, One thousand eight hundred and fifty-nine, entitled " An Act to consolidate and amend certain Acts of this Island relating to the Central Schools," it is recited that " it is desirable that the Central Schools should be made more instrumental in promoting the general education of the people in the altered

Central Schools.

state of Society in this Island, and with a view to that end should become, as far as practicable, training schools from which masters and mistresses may be obtained for the several primary and dame or infant schools of the Island;" and whereas in and by the said Act provision is made for the securing of the above-recited objects, and amongst other things an annual grant not exceeding the sum of £800 is made towards the support of the said Schools; and whereas it appears that the said Schools have failed to secure the objects for which they were established and endowed by the Legislature, and it is deemed expedient to supply the place of the Boys' Central School by a second grade school for the City of Bridgetown, and to deal with the Girls' Central School as is hereinafter provided: Be it therefore enacted, that the said Act of the Sixteenth day of March, One thousand eight hundred and fifty-nine, entitled "An Act to consolidate and amend certain Acts of this Island relating to the Central Schools," shall be and shall stand repealed immediately on the coming into force, as hereinafter provided, of any scheme which may be framed and presented to the Legislature by the Education Board for the establishment of a second grade school in Bridgetown.

Description of schemes to be drawn up for establishment of second-grade schools.

XXXIV. Whenever, and at such times as they shall think proper, the Education Board shall frame schemes as aforesaid for the establishment of such second grade schools as they shall deem expedient; and in such schemes they shall set forth the proposed name and the actual locality of such school, the composition, functions, and powers of the Governing Body thereof, the course of study to be pursued therein, the public grants or

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allowances to be made towards the establishment or maintenance thereof, the application, if any, in aid thereof of any parochial endowments as hereinafter provided, and all such other matters and things as the Board shall think it right to set forth; and such schemes when so framed as aforesaid shall be presented by the Board to the Legislative Council and the House of Assembly, and shall lie on the table of the two Houses for a period of two months, and immediately after they shall have been so presented as aforesaid, the Education Board shall also cause such schemes to be published three times in the *Official Gazette*; and if within the period aforesaid no petition shall be presented to the two Houses of the Legislature against the provisions of the said schemes, or any or either of them, then immediately on the expiration of the said two months from the date of their said presentation, the said schemes shall have the force of law and be as valid to all intents and purposes as if they had been inserted in this Act; but if any petition shall within the time limited as aforesaid be presented to the two Houses against the provisions of the said schemes, or any or either of them, the petitioners shall be heard by a joint Committee of both Houses, to be composed of three members of the Legislative Council and four members of the General Assembly, and if the schemes shall be allowed by the said joint Committee, they shall have the force of law as aforesaid from the date of such allowance, but if the joint Committee shall think fit, they may refer such schemes back to the Education Board for amendments, and the schemes when so amended shall be again presented to the two Houses, and shall be dealt with in all respects, and shall be sub-

Schemes to be laid before the Legislature.

Validation of schemes

Amendment of schemes.

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ject to the like provisions, as regards the right to present petitions, and the mode of finally becoming law, as are hereinbefore enacted in respect of the original schemes. Provided that it shall be lawful for the two Houses of the Legislature within the said period of two months, by Resolution or otherwise, to amend or disallow in any respect any such scheme, original or otherwise.

Disallowance of schemes.

Governing Bodies of second-grade schools to become bodies corporate.

XXXV. When and so soon as such schemes for the establishment of second grade schools shall have acquired the force of law in the manner hereinbefore mentioned, the several Governing Bodies as therein constituted shall be and become bodies corporate to all intents and purposes, and shall have a perpetual succession and a common seal, and shall sue and be sued by the name assigned to them severally in the said schemes, and all lands, buildings, property, and effects whatsoever belonging to or thereafter to be acquired by the said schools, shall be vested in the respective Governing Bodies thereof.

Grants to second-grade schools.

XXXVI. The Education Board shall have power and they are hereby required to propose, in the annual estimates hereinbefore provided for, such grants as they shall think proper in aid of the second grade schools to be established as aforesaid.

Statutes and rules for second-grade schools

XXXVII. In consideration of the said grants to the second grade schools, the Education Board shall have power to call on the Governing Bodies of such schools to frame statutes and rules for the good government and regulation of such schools, and it shall be lawful for the said Governing Bodies from time to time to alter, add to, or rescind the same, and such original, added, or altered

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statutes and rules shall in all cases be subject to the approval of the Education Board.

XXXVIII. For the purpose of encouraging the studies of deserving boys at the second grade schools, the Education Board shall have power to place on the annual estimates hereinbefore provided for, a sum not exceeding £300 in each year, to be expended in sixty exhibitions of £5 each per annum, and these exhibitions shall from time to time be awarded after due advertisement, according to the results of an open competitive examination, and shall be tenable at any of the said second grade schools, at the option of each exhibitor's parent or guardian; and the Education Board are hereby authorised and required to make rules and regulations for settling the age and qualifications of candidates, and the character of the examinations to be held for such exhibitions, and also for determining the conditions on which such exhibitions shall continue to be held, by those to whom they may be awarded, and for prescribing all other matters and things in relation to the said exhibitions; and they shall also have power to make provision for the remuneration of the persons to be appointed by them to examine candidates for such exhibitions.

Sixty exhibitions of £5 each per annum at second-grade schools.

XXXIX. The Vestries of the several Parishes shall have power and they are hereby authorised, if they shall think fit, to lay a rate on the rate-payers of their respective parishes, along with the general annual rates, for the purpose of raising a reasonable and proper sum for the maintenance of parochial exhibitions, at the second grade schools connected with their respective parishes, for the children of parishioners in straitened circum-

Vestries empowered to lay rates for parochial Exhibitions.

stances ; and such parochial exhibitions shall be awarded and held subject to such provisions and to such rules and regulations in respect of candidature, examination, and all other matters relating thereto, as may be made by the Education Board.

Annual examination and inspection of second-grade schools.

XL In order to maintain a high standard of efficiency in the second grade Schools, the Education Board are hereby authorised to make such arrangements as they shall think proper for the annual examination and, if practicable, the inspection of the said schools.

SCHOOLS FOR GIRLS.

Establishment of a second-grade Girls' School.

XLI. Whereas it appears that at present there is no adequate provision made for sound female education in the middle and upper classes of society, and whereas it is highly desirable that this want should be as soon as possible supplied : Be it enacted that the Education Board shall be, and they are hereby charged with the duty of establishing and procuring efficient teachers for a School for Girls, of the general character indicated in the said Report of the Education Commission, and for this purpose the site and buildings of the present "Girls' Central School" in Bridgetown shall be appropriated and applied, whenever they shall think fit, by the Education Board ; and the Board shall ordain a Governing Body for the said school, and shall be authorised to make rules and regulations for fixing the fees to be paid by pupils, the course and order of studies to be pursued, and for all other matters and things concerning the said school and the management and government thereof, and a sum not exceeding £400 may be placed on the annual educational estimates for the support

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thereof, until such school shall have become self-supporting.

XLII. In the event of the School for Girls proposed to be established by the last preceding section proving successful within a reasonable time after it shall have been so established, the Education Board shall have power to frame a scheme for the establishment, educational curriculum, government, and maintenance of another School for Girls, of a higher educational standard ; and such scheme shall be presented by the Board to the two Houses of the Legislature, and thereafter shall in all respects whatsoever be dealt with and operate as is hereinbefore provided in the thirty-fourth and thirty-fifth sections of this Act, in regard to the schemes to be presented for the establishment of second grade schools, and such a sum as may be deemed necessary may be placed on the annual educational estimates for the support thereof.

Establishment of a first grade school for girls.

XLIII. In order to test and maintain the efficiency of the above-mentioned schools for Girls, the Education Board shall make rules and regulations for the holding of such examinations or inspections in connection with the said Schools, as they shall think most suitable, and they shall make provision in their annual estimates for the cost of the same.

Examination and inspection of Girls' Schools.

XLIV. In case the " Central Schools Act" shall be repealed by the operation of the thirty-third section of this Act, before the establishment of the School for Girls contemplated by the forty-first section of this Act, it shall be lawful for the Education Board to place on the annual educational estimates

Provision for maintenance of present Girls' Central School

such a sum not exceeding £400, as they shall think proper for the support and maintenance of the present "Girls' Central School," and to provide for the government thereof, and to make such rules and regulations as may be necessary for the good ordering of the same; and the powers conferred by this section for these purposes shall be exercised until the establishment of the School for Girls, as provided in the forty-first section aforesaid, when they shall immediately cease and determine.

FIRST GRADE SCHOOLS.

Board to determine what schools are to be first grade schools.

XLV. It shall be the duty of the Education Board to provide as occasion may demand, that First Grade Education be brought within the reach and means of such inhabitants of this Island as desire it for their sons; and the said Board shall determine what schools shall be schools of the First Grade, and shall define the functions and powers of the Governing Bodies of all such schools, and also of the Head Masters thereof, and shall frame schemes for the management of such schools, and shall have power to call upon the said Governing Bodies by requisition in writing from time to time, to frame Statutes, Orders, and Rules for the discipline, government, and course of instruction of such schools, as far as may be in conformity with the Report and Recommendations of the Education Commission aforesaid; and the said Statutes, Orders, and Rules, when so framed shall be approved, amended, or referred back by the Education Board, and when finally settled shall be published for general information in the *Official Gazette*.

Statutes, Orders and Rules for first grade schools.

XLVI. In framing such schemes as afore-

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said, the Education Board shall make due provision that instruction be given not only in the English and Classical Languages and Literature and in Mathematics, but also in the French Language, and in the elements of one or more of the Natural Sciences, and, when practicable, in the German Language. They shall also provide that in one First Grade School at least, arrangements be made so as to secure a thorough and solid education for such boys as may require a modern in lieu of a classical education.

Curriculum.

XLVII. In order to secure a high standard of education in the First Grade schools, the Education Board are hereby authorised and required to make provision, as they may deem best after consultation with the Governing Bodies and Head Masters of the said schools, for the thorough annual Examination and, if practicable, the periodical Inspection of such schools, whether by qualified residents in this or neighbouring Colonies, or by invoking the assistance of examining Bodies in England, or by securing the periodical visits of a Travelling Inspector from England; and the said Board are hereby empowered, if they shall see fit, to enter, through His Excellency the Governor, into negotiations with the Governments of neighbouring Colonies in order to secure the services of such Travelling Inspector, conjointly with them, and the Board shall also have power to carry into effect any agreement that may be arrived at after such negotiations.

Examination and inspection.

XLVIII. As soon as possible after the conclusion of each such Examination or Inspection, the Education Board shall publish in the *Official Gazette* so much as they shall

Publication of reports of Examiners and Inspectors.

think fit of the Reports of such Examiners or Inspectors, as the case may be ; and they shall also at the close of each year, or as soon thereafter as possible, publish in like manner a Report of each First Grade school, which shall be furnished by the Governing Body of each such school, setting forth the actual state of the school as to numbers, attendance, discipline, subjects of instruction, and general condition, together with a statement of income and expenditure for the year then expired.

Exhibitions at first grade schools.

XLIX. For the purpose of encouraging the education of deserving boys at the First Grade Schools, the Education Board shall have power to place on the annual estimates hereinbefore provided for, a sum not exceeding £350, to be expended in exhibitions for the benefit of boys who are natives of Barbados, or the sons of a native, and whose parents are not in well-to-do circumstances : and the said Board are hereby authorised and required to settle and to publish in the *Official Gazette* the numbers and value of the several exhibitions to be thus created, having due regard to the recommendations of the said Education Commission in that behalf ; the age and qualifications of the candidates for the same ; the nature and periods of the examinations to be held for awarding the same ; and the conditions and duration of tenure ; provided always, that the said exhibitions shall be awarded according to the results of a competitive examination, to be conducted under the direction of the said Board, to boys only who show real merit, and shall be tenable at any First Grade School at the option of the successful candidate's parent or guardian.

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L. Whereas in the year One thousand seven hundred and thirty-three a School, originally called "Harrison's Free School" and afterwards "Harrison's College" was founded in Bridgetown by Thomas Harrison, and for the government and direction of the said School, the President of the Council for the time being, the Speaker of the House of Assembly for the time being, the Attorney General for the time being, the Rector of the Parish of St. Michael for the time being, the Churchwarden of the Parish of St. Michael for the time being, and two members of the Vestry to be chosen annually, were declared to be Trustees and Directors of the said School, and whereas it is deemed expedient to increase the number of such Trustees and Directors: Be it therefore enacted that from and after the passing of this Act, the Trustees and Directors above-named shall, together and in conjunction with the Education Board, be the Trustees and Directors of the said School for all intents and purposes: provided however that the Education Board as such shall still exercise its distinct functions in respect of the said School as otherwise provided for.

Harrison's College.

Constitution of Governing Body.

LI. The said School shall be a School of the First Grade, and shall be styled and called "Harrison's College" and the said Trustees and Directors thereof shall be styled and called "The Governing Body of Harrison's College," and they shall be and are hereby constituted a body corporate, and shall have a perpetual succession and a common seal, and shall sue and be sued under the style and title aforesaid: and in the said Governing Body of Harrison's College shall vest without any conveyance all the estate, property, and effects, of what nature and kind soever,

Governing body to be a body corporate.

Quorum.

and also all the rights and liabilities, which severally were formerly of the Trustees and Directors of the said School; and any five members of the said Governing Body shall be sufficient to form a quorum for the transaction of the business of the said School.

**Grant of £1000 to
Harrison's College
for building purposes**

LII. Whereas it appears that the present buildings of Harrison's College are in bad repair, and are ill-adapted and insufficient for the increased wants of a largely extended School, and whereas it is expedient, in order to further the successful development of the said school, to assist the Governing Body thereof with a public grant, in order to enable them to repair and enlarge the present buildings, or to erect fresh buildings in lieu thereof, as shall seem to them most advisable: Be it therefore enacted that the sum of £1000 be hereby granted from the Public Treasury to the Governing Body of Harrison's College, to be applied by them to the purpose aforesaid; and the Governor-in-Council is hereby authorised and requested to issue a warrant to the Treasurer of the Island requiring him to pay the said sum of £1000 to the said Governing Body or their order.

**Loan of £1000 to
Harrison's College.**

LIII. A loan of £1000 is also hereby granted from the Public Treasury to the Governing Body of Harrison's College for the purposes hereinbefore mentioned, and the Governor in-Council is hereby authorised and requested to issue a warrant to the Treasurer of the Island, requiring him to pay as a loan the said sum of £1000, or such portion thereof as they shall require, to the order of the said Governing Body of Harrison's College; and the lands and buildings of which the said Governing Body may be possessed for the

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LAWS OF BARBADOS.

purposes of the said School shall be charged with and subject and liable to the payment of the said loan of £1000 hereby granted, until the same shall be repaid.

LIV. For the purpose of supporting Harrison's College and assisting the Governing Body thereof in making good any guaranteed salaries of masters of the said College, an annual sum not exceeding £1000 is hereby granted from the Public Treasury to the Governing Body, to be paid to them or their order from time to time, on the warrant of the Governor-in-Council, on their certifying to the Governor-in-Council, that the same is required, and the Governing Body shall apply such moneys when received to and for the purposes aforesaid; provided always that the full course of instruction defined in the forty-sixth section of this Act, shall be strictly carried out; and provided also that whenever the pupils in the said College shall be below the number of one hundred, the grant hereby made shall be reduced to the sum of £800, for the period the number of pupils shall continue below one hundred; and provided also that whenever the number of pupils in the said College shall fall below sixty, the said grant shall be further reduced to the sum of £400, for the period the number of pupils shall continue below sixty.

**Annual grant of
£1000 in support of
Harrison's College.**

LV. Until the coming into operation of the provisions for the establishment of First Grade Exhibitions contained in the forty-ninth section of this Act, a sum not exceeding £200 per annum is hereby granted from the Public Treasury to the Education Board, to be paid to them as occasion shall require, on the warrant of the Governor-in-Council, and to be applied by them to the

**Exhibitions at Har-
rison's College.**

establishment of twenty exhibitions of £10 each in annual value, and the said exhibitions shall be tenable at Harrison's College by natives of this Island in straitened circumstances, or sons of a native or natives in straitened circumstances; provided however that on the coming into operation as aforesaid of the provisions of the forty-ninth section of this Act, the grant hereby made shall at once cease and determine.

**Vestry Exhibitions
at Harrison's College.**

LVI. For the purpose of assisting at the said College in the education of ten boys whose parents, being parishioners of St. Michael's, are in straitened circumstances, to the extent of £10 each per annum, the Vestry of the Parish of St. Michael are hereby authorised to apply a sum not exceeding the sum of £100 of the monies raised at the laying of their rates in each and every year, which said sum so raised as aforesaid shall yearly be paid over by the Vestry to the Governing Body of the said College, to be applied by them for the purposes aforesaid.

**Examination of Ex-
hibitioners.**

LVII. The nomination of the twenty boys and ten boys for whose education part provision is made in the two last preceding sections shall be exercised by the Education Board and the Vestry of St. Michael's respectively, and the boys nominated by either Body, for vacant exhibitions, shall be examined as the Education Board shall think fit and shall make provision, and the said Board shall thereafter elect according to the results of such examination; provided that no boy shall be eligible for an exhibition who is less than seven years of age or more than fifteen; and provided also that the exhibitioners so elected shall hold their exhibitions subject to such rules and regulations as to

Limit of age.

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conditions and period of tenure as the Education Board shall from time to time establish.

LVIII. Whereas the Lodge School for many years past did good service in the higher education of the youth of this Island, and whereas from the salubrity of its site it is specially suitable for a good boarding school, while from the nature of the case Harrison's College is more likely to depend on the preponderance of day-pupils; and whereas the Lodge School, from the lapse of the public grant in aid and from divers other circumstances has lately been closed, and there is reason to believe, that "The Society for the Propagation of the Gospel in Foreign Parts" will transfer the School, its site and buildings, to the Education Board in furtherance of the educational interests of the Island; And whereas it is deemed expedient to revive the Lodge School as a First grade public school for the reasons above-mentioned, as well as to induce a healthy competition between the said school and Harrison's College: Be it therefore enacted that the Education Board shall be and they are hereby authorised to enter into negotiations with the said Society for the Propagation of the Gospel in Foreign Parts for the transfer by the said Society to the said Board of the Lodge School in the Parish of St John's with its site, buildings, playgrounds, and all appurtenances, on such terms or the like as are indicated in the Report of the said Education Commission, and the Board shall report to the Governor and the two Houses of the Legislature the result of such negotiations, and within one month after they shall have so presented their report, they shall have power, unless in the mean time the contrary shall have been declared by

The Lodge School.

Board may negotiate with the Society for the Propagation of the Gospel for transfer of the School.

Result to be communicated to the Governor and to the Legislature.

Contract.

Resolutions passed by both Houses, to conclude a formal contract with the said Society, in accordance with the terms and conditions set forth in the said report, and from and after the conclusion of such contract the site, buildings, and all appurtenances of the said Lodge School shall be vested for all intents and purposes whatsoever in the Governing Body hereinafter established for the same, to hold the same according to the terms and conditions of the said contract.

Constitution of Governing body,

LIX. In the event of the Lodge School being transferred under the provisions of the last preceding section as a First grade public school, the following persons are hereby immediately on such transfer being effected constituted the Governing Body thereof, viz., the Lord Bishop of Barbados, the President of the Legislative Council, the Speaker of the House of Assembly, the two representatives in the General Assembly for the parish of St John, the Principal of Codrington College, the Rector of St. John's, and two other persons to be nominated by the Governor. Three shall form a quorum.

Quorum.

Governing Body to be a corporate Body.

LX. The above mentioned officers and persons shall be styled the "Governing Body of the Lodge School," and shall be a corporate body, and shall have a perpetual succession and a common seal, and by that name shall sue and be sued, and in them shall be vested the site, buildings, and all appurtenances of the said Lodge School, on the terms, and subject to the conditions, on which the same shall have been handed over by the said Society to the Education Board.

LXI. Whereas it appears that the said

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school buildings are in need of considerable repairs and enlargement, and it is deemed expedient to make a grant in aid thereof, in order that the school may begin again under more favourable conditions: Be it enacted that in case the said transfer shall be effected as aforesaid, the sum of £600 is hereby granted from the Public Treasury to the Governing Body of the Lodge School, to be paid to them on the warrant of the Governor-in-Council for the purpose aforesaid.

Grant of £600 to the Lodge School for building.

LXII. For the purpose of assisting in the maintenance and support of the said school in case such transfer as aforesaid shall be made, a sum of £500 per annum shall be and is hereby granted from the Public Treasury, to be paid to the Governing Body of the said school on the warrant of the Governor-in Council; provided always, that if at the expiration of two years from the establishment of such school, the number of boys therein shall be below thirty, the grant shall not be payable, and the payment thereof shall be suspended during such time as the said number of boys shall remain below thirty.

Annual grant of £500.

LXIII. Whereas in case the Lodge School shall be established as aforesaid, it is believed that it will, besides filling the position of a First Grade school for the Island generally, also furnish adequate Second Grade education for the boys of St. Philip's, St. John's, and St. Joseph's Parishes; and whereas it is desirable that the Vestries of those parishes should have power to act in relation thereto as the Vestries of other parishes are by this Act empowered to do in relation to Second Grade Schools: Be it therefore enacted that the Vestries of the said parishes of St.

Vestries of St. Philip St. John and St. Joseph authorised to lay rates for exhibitions at the Lodge School.

Conditions under which exhibitions are held.

Philip, St. John and St. Joseph, shall be and they are hereby authorised to make and lay rates at the general laying of rates in each year, for the purpose of raising the sums of £60, £60, and £40, respectively, to assist in the education at the said school of the sons of persons in straitened circumstances; and the exhibitions thus provided for shall be of such value as the Education Board shall appoint, and the said Vestries shall respectively nominate candidates for vacancies as the case shall be, and thereafter the like proceedings shall be had, and the like rules and conditions observed, as are hereinbefore set forth in the fifty-seventh section, in regard to the exhibitions provided at Harrison's College by the Vestry of St. Michael's.

ISLAND SCHOLARSHIPS.

Present Gilchrist Scholars £100 per annum each.

LXIV. Whereas by an Act of this Island bearing date the Twenty-third day of September, One thousand eight hundred and seventy-three, entitled "An Act for the encouragement of the youth of this Island in their Educational Studies," and hereinafter repealed, the sum of £100 per annum has been granted to certain youths severally natives of Barbados, or sons of natives, who have been elected to the Gilchrist West Indian Scholarship: Be it therefore enacted that the said sum of £100 per annum shall be paid to each of the present holders of the said Scholarship, for a term of years commencing in each case from the day on which the public grant in their aid has already been computed by the Government of this Island to run, and the said several sums of £100 shall be paid quarterly to the orders of the present holders of the said Scholarship respectively out of the Public Treasury, by the warrant of the Governor-in-Council, upon

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the certificate of the Registrar, or of the Head of a College, or of some other proper authority of any British University, at which the above-named persons may be pursuing their studies, that they had respectively during such quarter satisfactorily pursued their studies at such University, or had been prevented by serious illness from so doing.

LXV. Whenever any native or the son of any native of Barbados, who shall have received his education in this Colony for at least three years immediately preceding the examination, shall successfully compete in this Island for a Gilchrist Scholarship, he shall be entitled to receive and shall receive for the said term of three years from the Public Treasury, in the case of a successful candidate at the examination in 1879, a like sum of £100 per annum, and in the case of any other successful candidate hereafter, the sum of £75 per annum, and the said sum shall be paid to him in all respects in the like manner and upon like conditions to those set forth in the last preceding section.

Future Gilchrist Scholars.

1879 scholarship.—
£100 per annum.

Subsequent Scholarships. £75 pr. annum

LXVI. Whereas the sum of £400 in four annual instalments has recently been offered for competition amongst the youths of this Island, as an Exhibition to be held at Pembroke College, Oxford, tenable on certain conditions; and whereas other offers of a like nature may hereafter be made by persons interested in the higher education of this Colony, and it is deemed desirable to encourage the same, and to assist the academic education of any youth who may gain the said or a similar Exhibition: Be it enacted that whenever any native or the son of any native of Barbados, who shall have received

Grant in aid of Pembroke Scholarship.

his education in this Colony for at least three years immediately preceding the examination, shall be elected to the said exhibition, or to any other which may, in the judgment of the Education Board, be of a similar character, he shall at the discretion of the Board be entitled to receive and shall receive for the said term of four years from the Public Treasury the sum of £75 per annum, and the said sum shall be paid to him in all respects in the like manner, and upon the like conditions, to those set forth in the sixty-fourth section of this Act. Provided always that if any holder of the said or any other like exhibition shall at any time forfeit the same under any of the conditions imposed by the donor, then and in every such case the grant made by this section to such person committing such forfeiture shall immediately cease and determine.

Barbados Scholarships.

LXVII. In order to further develop the higher educational interests of this Island and to encourage youths who may show promise in the prosecution of their studies, by enabling them to complete their education at an English University, four Scholarships, to be called the "Barbados Scholarships," each of the annual value of £175, and tenable during residence as a member of the University for a period not exceeding four years, either at Oxford or Cambridge, shall be established by the Education Board, one to be competed for annually; and the said Board shall have power and they are hereby required to make rules and regulations for the admission of candidates, for the character and conduct of the examination, for the terms and conditions on which the said Scholarships shall continue to be held, and for all other matters and things whatsoever relating

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to the competition for the said scholarships, and to the tenure thereof.

LXVIII. The examination for the said "Barbados Scholarships" shall be conducted under the direction of the Education Board by papers sent from England, and returned thereto, and the scholarships shall only be awarded by the said Board to youths, who are either natives or the sons of a native or of persons domiciled in this Island, and who have been for the three years immediately preceding receiving their education in this Colony, and who shall on the examination for the said scholarships attain such a standard of proficiency, as prevails generally at the Colleges of Oxford and Cambridge, in respect of examinations for open scholarships and exhibitions.

Examinations for Barbados Scholarships.

LXIX. Every person elected to one of the said scholarships shall be entitled to receive and shall receive for the said term of four years from the Public Treasury the sum of £175 per annum, and the said sum shall be paid to him in all respects in the like manner and upon the like conditions to those set forth in the sixty-fourth section of this Act; provided always that the said scholarships shall be held subject to any rules which may be made by the Education Board in that behalf.

Grants towards Barbados Scholarships.

LXX. The Governor-in-Council may direct any sum granted under the provisions of the six sections next preceding, to be paid to the parties entitled to receive the same, or their order, by the Crown Agents for the Colonies, upon their receiving in each case the certificate hereinbefore specified, and any necessary expenses incurred in making such

Payment through the Crown agents.

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payments shall be defrayed out of the Public Treasury by warrant of the Governor-in-Council.

ISLAND PROFESSORSHIP.

Professorship of
Chemistry.

LXXI. The Education Board shall have power, at such time as they shall think fit, to establish and from time to time thereafter to appoint to, a Professorship of Chemistry and Agricultural Science; and the said Professor when appointed shall hold himself at the disposal of the Education Board, and shall retain his office during the pleasure of the same, and shall be employed at the discretion of the Board in superintending and directing the instruction given in his department, as well as himself gratuitously imparting instruction, in the principal educational establishments of the Island; and the Education Board shall fix a salary not exceeding £300 per annum for the said Professor, which shall be paid to him monthly out of the Public Treasury on the warrant of the Governor-in-Council; and the Board shall make rules and regulations for settling the instruction to be given by the said Professor in the Schools and Colleges of the Island, and they shall also, if possible, arrange for the delivery by the said Professor of courses of Public Lectures, and the holding of Evening Classes for the benefit of young men engaged in business and others, and they shall fix the fees, if any, to be paid by attendants at such lectures and classes; and it shall be their duty in every way to ensure that the Colony generally derives as much benefit as possible from the establishment of the said Professorial Chair.

Salary.

Duties.

CODRINGTON COLLEGE.

LXXII. Whereas by the Ninth section of an Act of this Island of the Twenty-fourth day

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of October, One thousand eight hundred and fifty, entitled "An Act to provide for a more general education of the people of this Island," and hereinafter repealed, provision was made for a grant of £100 per annum, towards the establishment of three Island Scholarships at Codrington College; and whereas it is deemed advisable to increase the number of the said Scholarships, and also to slightly augment their annual value: Be it therefore enacted that an annual sum not exceeding £160 shall be and the same is hereby granted to the Education Board, to be paid to them from time to time, on their requisition by the warrant of the Governor-in-Council, and to be applied by them to the establishment of four scholarships of the annual value of £40 each at the said College, to be competed for and held subject to such regulations as the Board shall think fit from time to time to make; and the said Scholarships shall not be confined to any particular faculty, and shall be filled up at such time in each year as the Education Board shall determine, according to the result of an examination to be held by the authorities of the said College, and they shall be tenable by any native, or son of a native of Barbados, for two years and no longer; provided that each such scholar shall, unless prevented by sickness or other grave cause, keep his terms continuously at the said College during such period, and shall transmit to the Secretary of the Education Board, at the close of each term, a certificate from the Principal of the College, or the person acting on his behalf, that he has kept such term by actual residence, and has satisfied the authorities of the College by his diligence and general conduct; on the receipt of which certificate he shall be paid the amount, to which he may be entitled for the term then ended

Number and value of
Island Scholarships
increased.

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Rawle Scholarship
continued.

LXXIII. Whereas by an Act of this Island of the Fourth day of February, One thousand eight hundred and sixty-six, entitled "An Act to vest a sum of money in the Bishop of the Diocese and the Principal of Codrington College, for establishing a Scholarship at Codrington College," and hereinafter repealed, the sum of £400 or thereabouts, raised for the purpose of founding a Scholarship in memory of the Reverend Richard Rawle, M.A., for many years Principal of the said College, was invested in the name of the then Bishop of the Diocese, and the then Principal of the College, and it is necessary to continue the investment of the same : Be it enacted that the said sum of £400 or thereabouts shall be, and the same is hereby vested in the Bishop of the Diocese for the time being, and the Principal of Codrington College for the time being, and their successors in office, upon trust that the said Bishop and Principal of Codrington College and their successors do and shall either permit and suffer the said sum of four hundred pounds or thereabouts to remain in its actual state of investment, or at any time or times sell, transfer, or dispose of the same or of part thereof, and lay out and invest the money to arise by such sale, transfer, or disposition, in the names of the said Bishop of the Diocese and Principal of Codrington College and their successors, in the purchase of a competent share or shares of any of the parliamentary stocks or public funds of Great Britain, or at interest upon real securities in this Island ; and do and shall from time to time alter, vary, and transfer the said stocks, funds, or securities in to or for other stocks, funds or securities of the same or a like nature, as to them shall seem proper ; and do and shall stand and be possessed of and in-

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terested in the said sum of Four hundred pounds, and any additional sum or sums, and the moneys to arise by the sale, transfer, or disposition thereof, or any part thereof, and the securities in or upon which the same may be invested, upon trust, to pay the dividends, interest, and annual produce thereof, unto the person or persons elected to and holding the said Scholarship, subject to such rules as to candidature, examination, and other matters, as the College authorities shall think fit from time to time to make.

LXXIV. Whereas it appears from the Report of the said Education Commission that Codrington College, although munificently endowed, does not from divers causes advantage the higher education of the youth of this Colony to such an extent as might be expected, and whereas it appears that it is "generally the wish of the Society for the Propagation of the Gospel in Foreign Parts to work the College into the educational system of the Island," and that "they will be glad to consider any detailed plan with that object," and whereas the Legislature are earnestly desirous of seeing the sphere of usefulness of this Institution extended, and its efficiency increased: Be it therefore enacted that the Education Board shall be and they are hereby charged with the duty of submitting, as soon as may conveniently be done, such detailed plans as abovementioned to the said Society, and of carrying on negotiations with the said Society with the abovesaid object in view; and they shall suggest to the said Society the expediency of adopting such recommendations as to the general administration and Professorial Staff of the establishment, as are contained in the said Report of the Education

Duties and powers
of the Education
Board with reference
to Codrington College

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Commission, or otherwise, as they shall think fit ; and in particular it shall be the duty of the Education Board to impress on the said Society the great importance of appointing at once a College Council, or Governing Body, with definite but large powers assigned to it, subject only to such checks and general control as the said Society shall deem expedient ; and the Board shall from time to time as they shall think fit report their proceeding under this section, and the results thereof to the Governor, for the information of the Legislature.

MISCELLANEOUS.

Present system to continue in force until close of 1878.

LXXV. The Education Board shall follow generally the lines of the educational system as at present in operation, until the close of the current year, when they shall begin to carry into effect the improvements and extensions contemplated by this Act, in the manner hereinbefore indicated.

Plans of buildings to be submitted for approval of Education Board.

LXXVI. Whenever any new buildings shall be erected or any substantial alterations of existing buildings shall be made, under any of the powers and provisions of this Act, the plans for such new buildings or such alterations shall in all cases be submitted to the approval of the Education Board, who shall have power to amend and vary the same ; and for these and all other like purposes of this Act, they shall be authorised to call on the Superintendent of Public Works for his advice and assistance.

LXXVII. All vested rights in respect of masterships, scholarships, exhibitions, and all other matters whatsoever, which may have arisen under the operation of any of the Acts or enactments hereby repealed, shall be and

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are hereby saved and protected, unless the same shall be expressly or by necessary implication set aside and divested by the terms of this Act; and all such rights shall be enjoyable and determinable and shall in all other respects be held and treated as if such Acts had not been repealed; and where any such rights shall be so expressly or by necessary implication set aside or divested, the Education Board shall, when it is possible and expedient to do so, bestow upon the proprietors of such rights, other rights of a similar kind and value, and, where this is not possible and expedient, the Board shall lay before the Legislature a full statement of the circumstances of the holding and enjoyment of such right by the then proprietor, in order that the Legislature may make such compensation as they shall think fit for the loss of such right.

Vested rights protected.

Compensation.

LXXVIII. The fourth section of the Act of the Eleventh day of August, One Thousand eight hundred and fifty-nine, entitled "An Act to incorporate the Society of the Saint Mary's Schools and Barbados Orphan Home and Asylum for destitute children," shall be and is hereby amended, by substituting the words "the Education Board" instead of the words "the Education Committee," and by substituting the words "the twenty-first section of the Education Act, 1878," for the words "the fourth clause of the Education Act passed the Twenty-first day of December, One thousand eight hundred and fifty-eight;" and in all other Acts, documents, and papers whatsoever where such words shall occur, and when it shall be necessary to do so in order to carry out the purposes of this Act, the words "the Education Committee" shall be taken as removed therefrom, and the words "the Education Board" shall be con-

Amendment of the 'St. Mary's Schools' Act.

and of other Acts and Documents.

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sidered as substituted instead thereof; and, whenever it shall be necessary, all rights and powers whatsoever which were belonging to or exercisable by the said Education Committee shall devolve on and be vested in the Education Board.

Repeal of Acts.

LXXIX. The several Acts and parts of Acts mentioned and set forth in the Schedule hereunto annexed shall be and the same are hereby repealed, subject however to any provisos or limitations, which may be contained in the body of this Act; and provided always that this repeal shall not affect the past operation of any enactment hereby repealed, nor anything duly done or suffered under any enactment hereby repealed.

SCHEDULE.

No. of Act,	Title & Date of Act	Extent of Repeal.
No. 218.—	“An Act to provide for a more extensive and general Education of the People of this Island,” 24th October, 1850.....	The whole Act.
No. 298.—	“An Act to facilitate the transaction of the Public Business,” 10 November, 1856... Section 7.	
No. 326.—	“An Act to alter and amend an Act entitled ‘An Act to provide for a more extensive and general Education of the People of this Island.’ 21st December 1853.....	The whole Act.

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No. 331.—“ An Act to consoli- The whole
date and amend cer- Act subject
tain Acts of this to the 33rd
Island relating to section of
the Central Schools.’ this Act.
16th March 1859.

No. 418.—“ An Act to alter and
amend the Educa-
tion Act of 1858,
and to make a fur-
ther grant of money
for Educational pur-
poses.” 28th June
1865 The whole
Act.

No. 424.—“ An Act to vest a sum
of money in the
Bishop of the Dio-
cese and the Princi-
pal of Codrington
College for establish-
ing a Scholarship
at Codrington Col-
lege.” 14th Feb-
ruary, 1856..... The whole
Act.

No. 487.—“ An Act to grant a
sum of money to
the Trustees of Har-
rison’s Free School
for the extension
and improvement
thereof, and to place
at the disposal of
the Education Com-
mittee an annual
sum to be expended
by them in promo-
ting the education
at the said School

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of children in straitened circumstances, and to empower the Vestry of St. Michael to co-operate in the same object, and for other purposes." 18th October, 1870 The whole Act.

No. 488.—“ An Act to enable the Trustees and Directors of Harrison's Free School to sell their present buildings, and to apply the proceeds arising from such sale towards the purchase of Mangrove Lodge Place, and to grant a sum of six hundred pounds and a loan to enable them to make the purchase.” 18th October, 1870.... Sections 1, 2, 3, 6, and 8.

No. 508. “ An Act to assist the Education Committee to sustain the guaranteed salaries of the Masters of Harrison's Free School.” 30th December, 1871..... The whole Act.

No. 549.—“ An Act for the encouragement of the youth of this Island

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in their educational studies." 23rd September, 1873..... The whole Act

No. 551—"An Act to guarantee the salaries of additional masters of Harrison's College and for other purposes." 24th October, 1873..... The whole Act.

CAP. XLII.

[11th December, 1878.]

An Act to continue various expiring Laws.

WHEREAS the several Acts mentioned in the columns one and two of the Schedule to this Act annexed. are limited to expire at the times specified in respect thereof in column three of the said Schedule : And whereas it is expedient to continue such Acts for the times mentioned respectively in column four of the said Schedule : Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

Preamble.

I. This Act may be cited for all purposes as "The Expiring Laws Continuance Act, 1878." Short title.

II. Whereas the Act of the 11th day of May, 1878, entitled "An Act for a grant of money for Educational purposes," will expire on the 31st December, 1878, and whereas the estimates for educational purposes have not yet been voted under the pro- Education Act of 11th May, 1878 renewed for a time.

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visions of the Education Act of this Session, and it is therefore necessary to provide for the continuance of the grant from the Public Treasury for educational purposes, until the estimates aforesaid shall have been voted: Be it enacted that the Education Board to be constituted under the said Education Act, shall be and the same is hereby empowered to draw from time to time from the Public Treasury, on the warrant of the Governor-in-Council, such sums of money not exceeding One thousand five hundred pounds, in any one quarter, as may be necessary to maintain, as nearly according to the present establishment as may be allowed by the said Education Act, the Elementary Schools of the Colony: Provided that on the final passing of the estimates as aforesaid in the ensuing Session of the Legislature, this section shall be and shall stand repealed, and provided also that this section shall not in any case continue in force beyond the thirtieth day of June, One thousand eight hundred and seventy-nine.

Continuation of Acts
in Schedule.

III. The Acts mentioned in column one, of the Schedule to this Act annexed, shall be continued until the times respectively specified in column four of the said Schedule, and any enactments amending or affecting the enactments continued by this Act, shall be continued in like manner.

Proviso.

IV. Nothing in this Act contained shall revive any provisions of the Acts mentioned in the said Schedule, which are not in force at the time of the passing of this Act.

SCHEDULE.

ORIGINAL ACTS.	Amending Acts.	Time of Expiration.	Continued until.
Police—(29th July, 1852)	11th September, 1868 27th June, 1867		
Highways—(24th February, 1864).....	19th January, 1874	31st December, 1878	31st December, 1879
Duty upon Rum—(20th December, 1871)	21st June, 1878	31st December, 1878	31st December, 1879
Fire Brigade—(24th March, 1874).....	...	31st December, 1878	31st December, 1879
Additional Clerk to the Petty-Debt Court, Bridgetown—(21st October, 1874)...	...	31st December, 1878	31st December, 1879
Harbour Police—(25th August, 1876)...	...	31st December, 1878	31st December, 1879
Molehead—(20th January, 1878).....	...	31st December, 1878	31st December, 1879

[11th December, 1878.]

An Act for transferring to and vesting in the West India and Panama Telegraph Company, Limited, Incorporated in England, on the 9th day of January, 1877, the rights and privileges granted to the West India and Panama Telegraph Company, Limited, Incorporated in England on the 30th day of July, 1869.

Preamble.

WHEREAS the West India and Panama Telegraph Company, Limited, Incorporated on the 30th July, 1869, have by dissolution and reconstitution as a new Company as detailed in the special Report of the Directors of the 5th December, 1876, reconstructed the Capital of the said Company, and have formed a new Company, which was Incorporated in England on the 9th January, 1877 : And whereas the Liquidators of the West India and Panama Telegraph Company, Limited, Incorporated on the 30th July, 1869, have applied to the Legislature of this Island, to transfer to and vest in the West India and Panama Telegraph Company, Limited, Incorporated on the 9th day of January, 1877, the rights and privileges granted to the said Company, Incorporated on the 30th July, 1869 : And whereas it is deemed proper to carry into effect the prayer of the Petition of the Liquidators of the said West India and Panama Telegraph Company, Limited, Incorporated on the 30th day of July, 1869 : Be it therefore enacted by the Governor, Council, and Assembly of this Island and by the authority of the same as follows:—

I. All the powers, rights, privileges, and

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advantages heretofore granted to and vested in the West India and Panama Telegraph Company, Limited, Incorporated on the Thirtieth day of July, One thousand eight hundred and sixty-nine, by the Act of this Island, No. 486, of the Fourth day of October, One thousand eight hundred and seventy, entitled "An Act to encourage and promote the establishment of communication by means of the Electric Telegraph between this Island and the other West India Colonies, and the Continents of Europe and America, by the West India and Panama Telegraph Company, Limited," and the Act of this Island of the Sixth day of March, One thousand eight hundred and seventy-six, entitled "An Act to grant a subsidy to the West India and Panama Telegraph Company, Limited," are hereby transferred to and vested in the said West India and Panama Telegraph Company, Limited, Incorporated on the Ninth day of January, One thousand eight hundred and seventy-seven, subject however to the provisions and conditions relating thereto contained therein, and such transfer and vesting shall take effect in respect of all matters in the said recited Acts mentioned as on and from the said Ninth day of January, One thousand eight hundred and seventy-seven.

Powers rights and privileges of the original Company vested in the new Company.

Subsidy to be paid to new Company.

II. In every place in the said recited Acts where the words "The West India and Panama Telegraph Company, Limited," or the words "the Company" occur, the same shall be taken and construed to mean "The West India and Panama Telegraph Company Limited," Incorporated on the Ninth day of January, One thousand eight hundred and seventy-seven.

Interpretation.

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CAP. XLIV.

[11th December, 1878.]

An Act to consolidate and amend the Acts of this Island relating to Trade and Navigation.

WHEREAS it is expedient to consolidate and amend the Acts of this Island relating to Trade and Navigation : Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same as follows :—

PRELIMINARY.

Short title.

I. This Act may be cited for all purposes as "The Trade Act, 1878."

Interpretation clause

II. In construction and for the purposes of this Act, (if not inconsistent with the context or subject matter,) the following terms shall have the meaning hereinafter assigned to them, that is to say .—

"The Treasurer" shall mean the Colonial Treasurer and Storekeeper for the time being, or his lawful deputy.

"The Comptroller" shall mean the Comptroller or other principal officer of Customs for the time being, or his lawful deputy.

"Master" shall include every person (except a pilot) having command or charge of any Vessel.

"Vessel" shall include every description of vessel used in navigation not propelled by oars.

"Petroleum" shall include and mean paraffine oil, kerosine oil, naphtha, or any product of petroleum or bitumen that gives off an inflammable vapour at a temperature of

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less than 100 degrees of Fahrenheit's Thermometer.

III. This Act shall be divided into seven parts .—

Part I.—Customs' Duties and their Collection :

Part II.—Entering, Unloading, and Clearing of Vessels :

Part III.—Tonnage Dues and other Charges on Vessels.

Part IV.—Importing, Warehousing, and Exporting of Merchandize :

Part V.—Fraud, Forfeiture, and Penalties :

Part VI.—Legal and other proceedings.

Part VII.—Miscellaneous Provisions.

PART I.

CUSTOMS DUTIES AND THEIR COLLECTION.

Table of Duties and of Exemptions.

IV. From and after the commencement of this Act as hereinafter provided, there shall be raised, levied, collected, and paid unto her Majesty, her heirs and successors, for the use of this Island, upon live stock, goods, wares, and merchandize imported into this Island, the several duties of Customs respectively inserted, described, and set forth in figures in the Table A in Schedule A to this Act annexed entitled "Duties of Customs inwards," and where any such articles are already charged with duties under any other Act of this Island, such duties shall not be paid in addition to the duties hereby imposed, but such other duties shall be suspended during the

Customs Duties to be levied.

continuance of this Act; but the powers and penalties of such other Act shall nevertheless remain and be operative when not contrary to or inconsistent with the provisions of this Act, and the articles enumerated or mentioned in Table B in Schedule A to this Act annexed, entitled "Exemptions from duty" may be imported without payment of any duty under this Act. The duties under this Act shall be paid and received according to the weights and measures established by the Act of this Island of the 2nd day of February 1854, entitled "An Act relating to Weights and Measures"; and in all cases wherein the same are imposed according to any specific quantity or value, the same shall be deemed to apply in the same proportion to any greater or less quantity or value.

Ad valorem Duties—how ascertained.

Ad-valorem duties.

V. Where the duties imposed by this Act upon the importation of goods are not according to the weight, tale, gauge, or measure, but according to the value thereof, such value shall be ascertained by the declaration of the importer or by his known agent; and such declaration shall be written in the bill of entry of such articles, and shall be subscribed with the hand of the importer or his known agent, in the presence of the Comptroller. And where the officer charged with the superintendence of the landing of any such goods shall consider it necessary to have the same examined, he shall report thereon to the Comptroller, who is hereby authorised to have all such goods as aforesaid opened and inspected, and if, upon view and examination of such articles by the proper officer, it shall appear to him that they are not valued according to the

Inspection of Goods.

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true price or value thereof, and according to the true intent and meaning of this Act, then and in such case the importer or his known agent shall be required to produce the invoice of such articles to the Comptroller, and to declare on oath before the Comptroller, who is hereby authorised to administer an oath for such purpose, what is the invoice price of such articles, and that he verily believes that such invoice price is the current value of the articles at the place from whence they were imported; and such invoice price, with the addition of Ten pounds per cent, thereon, shall be deemed to be the value of the articles in lien of the value so declared by the importer or his known agent, and thereupon the duties imposed by this Act shall be charged and paid; but if it shall appear to the Comptroller or other proper officer that such articles have been invoiced below the true and real value thereof at the place from whence they were imported, or if the invoice price is not known, the articles shall in every such case be examined by two competent persons, to be nominated and appointed by the Comptroller; and such two persons shall declare on oath before the Comptroller what the true and real value of such articles is at the port of shipment, and the value so declared on the oath of such two persons shall be deemed to be the true and real value of such articles, and thereupon the duties imposed by this Act shall be charged and paid; and in default or refusal of immediate payment, the Comptroller shall take and secure the articles with the casks or other packages thereof, and cause the same to be publicly sold to the best bidder, within twenty days after such default or refusal, notice of the time and place of sale being given as is herein-

Mode of valuation.

Proceedings in case of undervaluation.

Seizure and sale.

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after directed, and the money arising from the sale thereof shall be applied in the first place in payment of the said duties, together with the charges that shall have been occasioned by the sale thereof, and the overplus (if any) shall be paid to the importer or proprietor of the article, or other person authorised to receive the same; and every person who shall make any false declaration as to the value of goods liable to duty, shall be deemed guilty of perjury and shall be liable to be indicted, convicted, and punished therefor; provided nevertheless, that whenever the Comptroller shall consider it expedient he may demand the invoice to be produced.

Duties on Spirits etc, cleared from Warehouse.

Duties on spirits,
wine and tobacco.

VI. The duties on Spirits, Wine, and Tobacco when cleared from the Warehouse for home use, shall be charged upon the quantities ascertained by measure, strength, or weight at the time of actual delivery thereof, unless there is reasonable ground to suppose that any portion of the deficiency or difference between the measure, strength, and weight ascertained on landing and first examination of such spirits, wine, and tobacco, and that ascertained at the time of actual delivery, has been caused by illegal or improper means, in which case the Comptroller shall make such allowance only for loss as he may consider fairly to have arisen from natural evaporation or other legitimate cause.

Loss of measure,
strength or weight.

Chemists and Druggists may import a limited quantity of Spirits, at a duty of 1s per gallon.

VII. Chemists and druggists shall be allowed to import a limited quantity of spirits as hereinafter mentioned, of any degree of strength, to be used by them exclusively in their trade in the preparation of medicines, at a duty of one shilling per gallon, such

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spirits to be kept in no other place than their business premises, and to be accounted for to the satisfaction of the Comptroller. The quantities so to be imported shall be fixed by the Governor-in-Council, who shall either restrict or extend such quantities so to be imported whenever it shall seem necessary to him to do so. Any chemist or druggist who shall keep or have any such spirits in any other place than his business premises, or who shall use or apply, or suffer to be used or applied, any such spirits for any purpose whatever other than for the *bona fide* preparation of medicines in the due course of his trade, such chemist or druggist shall be guilty of an offence, and be liable on conviction to a penalty of not more than twenty pounds or less than five pounds. Penalty.

Duties on Petroleum, jetsam, &c.

VIII. The Duties on Petroleum when cleared from the warehouse for home consumption, shall be charged upon the quantity ascertained at the actual time of delivery thereof, unless there is reasonable ground to suppose that any portion of the deficiency has been caused by illegal or improper means, in which case the Comptroller shall make such allowances only for loss as he may consider fairly to have arisen from evaporation or leakage, or other legitimate cause, and no duty shall be charged in respect of any deficiency in petroleum entered and cleared from the warehouse, unless the Comptroller has reasonable grounds to suppose that such deficiency or any part thereof has arisen from illegal abstraction. Duties on Petroleum

allowances for loss,
leakage, &c.

IX. All goods derelict, jetsam, flotsam, and wreck brought or coming into the Island and Flotsam and jetsam.

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all droits of Admiralty sold in the Island, shall be subject and charged with the same duties as are chargeable on the like kinds of goods on importation into the Island.

Duties—when to be paid.

Entry to be made within two days.

Duties to be paid within three months of entry.

Penalty.

Goods exempt from duty when applied to certain purposes, liable to duty if applied to other purposes.

Penalty.

X. Every importer of goods shall, within the second day after the entry of the importing vessel, make due entry of such goods, and in default of such entry it shall be lawful for the officers of the Customs to convey such goods to the warehouse, and if the duties due upon the same be not paid within three months after such second day shall have expired, together with all charges of removal and warehouse rent, or if the same shall not be bonded, if privileged in that respect, the same shall be sold in the manner hereinafter prescribed, and the produce thereof applied first to the payment of freight and charges, next of duties, and the overplus (if any) paid to the proprietor of the goods, or other person authorised to receive the same.

XI. Goods which for any purpose are exempt from duty under this Act, whether on importation or on removal from bond, shall in case of the sale thereof, or of being used for or applied to any other purpose, become liable to and be charged with the same duties payable on the like goods when imported or removed from bond for any such other purposes; and if such duties be not paid, the goods shall be forfeited and dealt with accordingly, or shall be liable to and be charged with treble the duties payable thereon, if the Comptroller shall so elect, whether the goods be seized or not.

XII. Any package of which the importer or his agent shall declare the contents to be

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unknown to him, may be opened and examined by the Comptroller or other proper officer, in the presence of such importer or agent, and at the expense of the importer, who shall also bear the expense of repacking.

Package of which contents are unknown.

Loss of duty-paid goods.

XIII. When any vessel shall be entered at the Custom House, on board of which there shall be any goods on which any duty has been paid, and said goods shall thereafter be lost or destroyed before the same shall be landed from such vessel, or from any vessel, craft, or boat employed to land the same; then, on proof being made, on the oath of one or more credible witness or witnesses, before the Comptroller, (which oath the Comptroller is hereby authorised to administer,) and to his satisfaction, that such goods, or any part thereof (specifying the same) have been so lost or destroyed before the landing of the same; the duties on the whole, or the part thereof so proved to be lost or destroyed, shall be abated, or if the same shall have been paid, be returned to the owner by the Treasurer, on a certificate being granted for that purpose by the Comptroller or other proper officer, and examined by the Auditor General as herein-after provided.

Loss or destruction of duty-paid goods.

Duties may be abated or returned on certificate of Comptroller.

XIV. If any goods imported, on which duties are payable by this or any other Act shall receive damage by water or otherwise during the voyage, after such goods shall have been laden or shipped, and before the same shall be unshipped or discharged from the vessel in which the same shall have been imported, or from any vessel, craft, or boat into which the said goods may have been transhipped for the purpose of being

Damaged goods.

Committee of merchants to appraise extent of damage.

A proportionate part of the duty may be repaid.

landed, so that the owner thereof shall be prejudiced in the sale of such goods, the Comptroller shall have power to choose three disinterested merchants, experienced in the value of such goods, who, or any two of them, upon viewing the same, shall certify and declare what damage such goods have received, or how much the same are lessened in their true value by such damage, in relation to the duties imposed on them, and thereupon he shall issue an order on the Treasurer to repay, if the duties have been paid, a proportionate allowance to the importer, by way of abatement of the duties due or payable, or which shall have been actually paid upon the same, and each of the said merchants shall be allowed as a remuneration for such valuation at the discretion of the Comptroller, a sum not exceeding fifty shillings, to be paid by the owner of the goods; provided always that such order for repayment of duty shall previously be examined by the Auditor-General.

Duties on goods from wreck.

Goods saved from wreck.

Goods liable to specific duties,

If intact or free of damage,

Full duties leviable.

Goods liable to specific duties

If damaged, or mixed with damaged goods subject to ad valorem duties, ten per cent ad valorem leviable.

XV. In all cases in which it may happen that a vessel is wrecked on any part of the coast of this Island, and goods are in anywise saved therefrom, and articles subject to specific duties form a part of the salvage, and are brought or washed on shore intact, or free from damage, the Comptroller shall require the full duties leviable thereon, as if regularly imported, to be paid by the consignee or master of such vessel or by the auctioneer charged with the sale thereof; but if any such goods liable to specific duties, are damaged, or by the mode of salvage are mixed up in a lot with other damaged goods subject to ad valorem duties, then the Comptroller shall require a duty of ten per cent, on the value

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of the said lot of goods, ascertained by the sale, to be paid into the Treasury, by either of the aforesaid persons interested in such vessel and the salvage thereof; and where goods which if regularly reported, would be subject to the ad-valorem duty of four per cent, shall be saved from any wrecked vessel in an undamaged and merchantable state, they shall be subject to the said ad-valorem rate of four per cent, of duty only.

Goods liable to ad-valorem duty, four per cent ad valorem.

Re-funding of duties.

XVI. Whereas it happens that instances of hindrance to trade and inconvenience to the mercantile community occasionally arise, which, in the absence of any provision for meeting the same, render it necessary for persons to appeal to the Legislature by petition, and it will be for the general convenience that an easier mode of arrangement should be allowed therefor in cases of overpayment of duties, or of payment of duty on articles not arriving by the vessel for which the duty-paid warrants are passed: Be it enacted that it shall be lawful for the Governor-in-Council, with reference to any case now existing and calling for relief, as well as to any that may hereafter occur, on the report and information of the Comptroller, to direct the repayment of such duties, with the certificate of the Auditor-General, provided such payment shall not be less than ten shillings, or to make any other arrangement in respect thereof without prejudice to the public interest.

Governor-in-Council may on report of Comptroller direct repayment of duties in certain cases.

PART II.

ENTERING, UNLOADING, AND CLEARING OF VESSELS.

Reporting of Vessels on arrival.

XVII. The master of every vessel,

Master of every vessel not a steam-vessel to report arrival at Customs.

Penalty for false answers.

not being a steam vessel, arriving in this Island, whether laden or in ballast, shall come within twenty four hours and before bulk be broken, to the Custom House for the port of Bridgetown, and there make a report in writing to the Comptroller, or other proper officer acting in his behalf, of the arrival and voyage of such vessel—stating her name, country, and tonnage, and if British, the port of registry; the name and country of the master, the country of the owner, and the number of the crew of such vessel, and how many are of the country of such vessel, and whether she be laden or in ballast; and if laden, the marks and numbers of every package and parcel of goods on board and where laden, and where and to whom consigned, and where any, and what goods, if any, have been unladen during the voyage, so far as any such particulars can be known to him; and the said master shall further answer all such questions concerning the said vessel, and the cargo, crew, and voyage, as shall be demanded of him by the Comptroller, or other proper officer as aforesaid; and if the goods be unladen from any vessel before such report be made, or if the said master as aforesaid shall fail to make such report, or make an untrue report, or does not answer any question demanded of him, or shall answer it falsely, he shall forfeit a sum not exceeding Fifty pounds; and in case the said master of any such vessel shall fail to pay the sum so forfeited, the said Comptroller or other proper officer as aforesaid, shall have full power and authority to detain such vessel, and not allow the same to leave the said port, until the sum so forfeited has been duly paid, and all expenses attendant thereon; and in case any goods be not reported, such goods shall be forfeited, unless

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it appears that there was no fraudulent intention, in which case the master or commander shall be allowed to amend his report.

Ships' Bonds.

XVIII. The master of every vessel, not being a steam vessel exempt from tonnage dues, trading to this Island, shall within twenty-four hours after the arrival of any such vessel at any port or harbour thereof, appear at the office of the Comptroller and become bound by a bond to be given to our Sovereign Lady Queen Victoria, her heirs and successors, himself in the sum of Two hundred and fifty pounds with one good security in the sum of Two hundred and fifty pounds; and the condition of such bond shall be, that he the said master shall not nor shall any person acting for him, receive any seaman or mariner belonging to any other vessel, while such vessel is in any road or harbour within this Island, to serve on board his vessel, before such seaman or mariner shall have been legally discharged; and further that he the said master shall not on departing from this Island leave behind any seaman or mariner belonging to his said vessel unless such seaman or mariner shall have been legally discharged; and further that he the said master shall not depart from this Island with his vessel without having previously cleared out his said vessel at the office of the Treasurer, and also of the said Harbour Master. And for taking of such bond the Comptroller is hereby authorized and required to demand the sum of twelve shillings and sixpence, which he shall pay into the Public Treasury in the same manner as duties of Customs; and if the master of any such vessel shall neglect or refuse to give such security within the time aforesaid he

Master to give a bond within 24 hours of arrival.

Penalty.

shall forfeit and pay a penalty not exceeding the sum of Fifty pounds, one moiety thereof to be to the use of the informer and the other moiety to be paid into the Public Treasury for the uses of the Island : provided that vessels under seventy-five tons burthen shall only be required to give such bonds for the first voyage in each year.

Declarations respecting Old Metals.

Master to declare on entry that he will not receive old metals without a permit ;

XIX. On the entry of every vessel at the Custom House for the port of Bridgetown, the master of such vessel shall make and subscribe the following declaration before the Comptroller, that is to say—

“ I, A. B. (master of the vessel called
“ the ,) do declare that I
“ will not receive or suffer to be re-
“ ceived on board my said vessel
“ during her stay at this Island, any
“ old gold, silver, iron, copper, lead,
“ or other metals whatsoever, except
“ by a permit in writing from the
“ Comptroller of Customs for the port
“ of Bridgetown in this Island.”

and on clearance that he has not received any old metals.

And on the clearance of every vessel at the said Custom House, the master of such vessel shall make and subscribe the following declaration before the said Comptroller, that is to say—

“ I, A. B. (master of the vessel called
“ the ,) do declare that I
“ have not received or suffered to be
“ received on board my said vessel,
“ during her stay here, nor do I be-
“ lieve that there is now on board of
“ her, received since her arrival here,
“ any old gold, silver, iron, copper,
“ lead, or other metals whatsoever,
“ except such (if any) as have been
“ duly shipped according to law, and

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" now appear on the clearance of my
" said vessel."

And if any master of any vessel shall refuse to make and subscribe any such declaration as aforesaid, or shall knowingly make any false declaration, the person so offending shall, on conviction thereof forfeit and pay a penalty not exceeding the sum of Fifty pounds, one moiety thereof to be to the use of the informer, and the other moiety to be paid into the Public Treasury, for the uses of the Island.

Penalty for refusal
or false declaration.

XX. On the arrival of any steam-ship or vessel, the same shall come to anchor in such place as may be appointed by the Harbour Master, and the master of the said steam-boat or vessel or the next chief officer or the consignee thereof shall deliver to the Comptroller, and also to the Treasurer, a manifest of all goods, wares, and merchandize on board such steam boat or vessel, specifying the marks and numbers, the nature and contents of the packages as far as he is able to ascertain the same, together with the names of the shippers and consignees, and no goods shall be landed from such steam-boat or vessel except under such regulations as shall be established by the Comptroller ; subject to the approval of the Governor in Council.

Anchorage.

Delivery of manifest.

Letters brought by ordinary vessels.

XXI. It shall not be lawful for the Comptroller to allow any vessel to report or enter at the Custom House until the master thereof shall have delivered to him a certificate from the Colonial Postmaster that such master has complied with the provisions relating to ship letters of section eighteen of the Act of the Twenty-fifth

Ship letters.

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day of March, One thousand eight hundred and seventy four, entitled "An Act to consolidate and amend the laws relating to the Post Office in this Island."

Mooring etc. of Vessels.

**Powers and duties
of Harbour-Master.**

XXII. The Harbour Master shall have full power and authority to inspect and take cognizance of any abuse committed in violation of this or any other Act of this Island respecting the harbour of Carlisle Bay, and the Mole Head; and he is hereby authorised to visit all vessels trading to and from the said harbour and to regulate their moorings, and he shall take care that they shall bring up in such manner as shall be least detrimental to the safe navigation of vessels coming into or going out of the said harbour, and that no booms be kept rigged out at length to impede the navigation of the said harbour; and he shall take cognizance of and prevent the mooring of any boats, rafts, stages, or spars under the stern of any vessel lying in the harbour either within or without the Mole Head, except at the time when such boats, rafts or stages may be employed in the lading, unlading, or other necessary services of such vessel; and if the master of any vessel shall in anywise refuse or neglect to comply with the provisions of this section, after being thereto required by the said Harbour Master, such master so refusing or neglecting shall forfeit and pay a penalty not exceeding ten pounds, Provided always, nevertheless, that anything contained in this section shall not extend to prevent the laying down of any chain moorings in proper situations by any person for the use of vessels coming to this Island.

XXIII. Whenever the owner, master

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or consignee of any vessel shall desire to land her cargo at Speight's town, Holetown, or any other outport or landing-place, he shall notify the same to the Comptroller, who may if he think proper send an officer of the Customs Establishment, either to superintend the unlading of the cargo of such vessel, or to visit the ship during her discharge, at such times as may be advisable. The travelling expenses shall be allowed such officer, and, while engaged in superintending the discharging of the cargo, the further sum of eight shillings per day, which allowance shall be included in the incidental expenses of the Customs Department, and sanctioned by the Governor-in-Council.

Vessel desiring to unload at any of the out-ports.

XXIV. No goods shall be unloaded from any vessel, not being a steam vessel, until due entry shall be made of such goods and warrant granted for the unlading of the same, and no goods shall be so unladed, except at some place at which an officer of the Customs is appointed to attend the unlading of the same, or at some place for which a sufferance shall be granted by the Comptroller for the unlading of such goods, and no goods shall be so unladed except in the presence or with the permission in writing of the proper officer.

Goods not to be unloaded until after entry made and warrant granted.

Landing Waiter.

XXV. No goods or merchandize shall be shipped or landed from any vessel, on that side of the Careenage commonly called the Pier Head, unless specially authorized by the Mole Head Board, and any person who, except as aforesaid, shall ship or land any goods or merchandize on the said Pier Head, shall forfeit and pay a penalty not exceeding the sum of Ten Pounds.

No goods or merchandize to be landed on the Pier-Head.

Penalty.

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Provisions respecting the Carenage.

Restrictions on loading or unloading within the Molehead

XXVI. It shall not be lawful for any vessel to load or unload within the harbour of the Mole Head or at any of the public wharves or shipping places within the said harbour of the Mole Head, or to come into or lay up within the said harbour of the Mole Head, except for the purposes hereinafter mentioned, unless expressly authorised so to do by any Act of this Island.

Penalty.

XXVII. If the owner or master shall, contrary to the provisions of this or any other Act, take on board such vessel, or discharge therefrom any cargo or any part of cargo, or any stone or other ballast within the harbour of the Mole Head, or at or alongside any of the public wharves or shipping places within the said harbour of the Mole Head, or shall come into or lay up within the said harbour of the Mole-Head, every such owner or master of such vessel shall for every such offence forfeit and pay a penalty not exceeding the sum of Fifty Pounds.

Vessels laden with hardwood.

XXVIII. It shall be lawful for vessels laden with hard wood to come into the Carenage and there discharge their cargoes of hard-wood subject to the direction of the Harbour Master, and so as not to obstruct the free navigation of the Carenage.

Powers of Harbour Master.

XXIX. The Harbour Master is hereby directed and required to compel the master of any vessel which may come within the said harbour of the Mole Head for any of the purposes herein mentioned, or under the authority of any other Act of this Island, to station such vessels in such

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manner as not to impede the luggage or any other boats in going to and from the public wharves and shipping places within the said harbour of the Mole Head; and if the master of any vessel which may be within the said harbour of the Molehead, shall neglect or refuse to obey any order or direction which the said Harbour Master may think proper to give as to the station and laying up of such vessel, such master so offending shall for every such offence forfeit and pay a penalty not exceeding the sum of Five Pounds.

Provisions respecting Vessels with Ice.

XXX. It shall be lawful for the master of any vessel coming to this Island, with ice on board, to bring such vessel within the Carenage of Bridgetown, and to land the said ice on that part of the Pier Head opposite the ice-house, in order the better to preserve the ice in its removal to and deposit in the said house.

Vessels laden with ice may land the ice on the Pier-Head.

XXXI. It shall be lawful for the master of any vessel arriving with ice as aforesaid and having therein preserved any meats, vegetables, or fruit, to dispose of the same on board such vessel or on the Pier Head.

May sell the ice &c., on board the vessel.

XXXII. The Harbour Master is hereby directed to see that vessels coming within the Carenage under the authority of the two last preceding sections shall take up such stations as will least obstruct the free use of the said Carenage, and that no vessel shall be permitted to remain within the said Carenage for more than forty eight hours after the ice on board shall have been landed, unless for the purpose of undergoing repair.

Duties of Harbour-Master.

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Provisions respecting Vessels with Petroleum.

Vessels laden with Petroleum are to conform to regulations made by Governor-in-Council.

Penalty.

XXXIII. Every vessel carrying a cargo, wholly or in part of petroleum, on entering the harbour shall conform to such regulations, in respect to the place at which she is to be moored or anchored, as may from time to time be made by the Governor-in-Council. If any such vessel is moored in any place in contravention of such regulations, the owner or master of such vessel shall incur a penalty not exceeding twenty pounds, for each day during which the said vessel remains so moored as aforesaid, and it shall be lawful for the Harbour Master, or other person acting under the order of the Harbour authority, to cause such vessel to be removed, at the expense of the owner thereof, to such place as may be in conformity with the said regulations, and all expenses incurred in such removal shall be recoverable in such manner as penalties are by this Act made recoverable.

Master to land petroleum within 3 days at place provided for the purpose.

Regulations for warehouse.

XXXIV. Within three working days after the arrival in Carlisle Bay of any vessel laden or partly laden with petroleum, the master of such vessel shall, under penalty in default thereof of forfeiture for each offence of a sum not exceeding Twenty pounds, cause same to be brought on shore at such place as may be provided for that purpose, to be landed there and taken into the warehouse in the presence of an officer of the Customs duly authorized for that purpose, and each lot shall be stored separately, and shall have a distinguishing mark, and be so packed that an account may readily be taken of the same as often as may be deemed necessary or expedient; and the owner of such petroleum or his agent, shall have free access to the warehouse during office hours, to examine and inspect the same, and to take all

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necessary precautions for preventing leakage and waste : Provided always that petroleum in transit for other places may be transhipped without being landed, and that any vessel having on board petroleum, part of inward cargo, for any other port, shall not be compelled to land and store the same.

Petroleum in transit.

XXXV. It shall be lawful for any vessel coming into the Careenage to discharge any petroleum, being part of its cargo, within twenty-four hours after entering at the Custom House ; and any vessel loading petroleum in the Careenage shall be required by the Harbour-master to quit the Careenage by six o'clock in the evening of the day on which it shall take in such petroleum ; and the master of any vessel who shall contravene any of the provisions of this section, shall be liable on conviction thereof to forfeit a sum not exceeding Twenty pounds ; but no vessel with petroleum on board as cargo or part cargo, shall remain in the Careenage after six o'clock in the evening, or shall come into the Careenage before six o'clock in the morning.

Vessels in Careenage.

Regulations.

Penalty.

Clearing out of Vessels.

XXXVI. The master of every vessel leaving this Island, whether laden or in ballast shall, except as hereinafter provided in the case of steam vessels, before leaving the same, make and subscribe a declaration before the Comptroller, or other proper officer acting in his behalf, as to the number of passengers on board such vessel, if any, and shall also state the contents of the cargo of such vessel, if any, or state that she is in ballast, as the case may be, and shall answer such questions as shall be demanded of him in the same manner, and

Master to make declaration

as to number of passengers and contents of Cargo.

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**Comptroller to grant
clearance.**

Penalty.

as nearly as may be as is prescribed to be observed on the entry of vessels coming to this port ; and the said Comptroller or other proper officer as aforesaid, shall then give to the master a clearance of such vessel for her intended voyage ; and if any vessel shall depart from this port without such clearance, or the master shall make a false declaration or deliver a false content, or shall not truly answer the questions demanded of him, he shall forfeit a sum not exceeding Fifty pounds, and in case the said master of any such vessel shall leave this port without such clearance, or make such false declaration, or deliver such false content, or answer falsely the questions demanded of him, and not return to this port as the master of such vessel, then on the next voyage of such vessel to the port, it shall and may be lawful for the said Comptroller to recover any sum not exceeding Fifty pounds—which the said master of every such vessel would have become liable to pay, had he returned to the said port as such master,—from the owner or master of every such vessel, and the said Comptroller shall have full power and authority to detain the said vessel until the amount shall have been duly paid, and all expenses attendant thereon.

**Before clearance
Harbour Master's
Certificate to be pro-
duced.**

XXXVII. It shall not be lawful for any vessel, not being a steam vessel exempt from tonnage dues, to clear out of any of the offices of this Island or depart hence without producing a certificate from the Harbour Master according to the form in Schedule B to this Act annexed, and that all such rates, duties, and fees, to which such vessel may be liable at the office of the said Harbour Master, have been fully paid and satisfied ; and

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for the granting of such certificate the said Harbour Master shall demand and receive from the owner or master of any such vessel, the sum of eight shillings and fourpence. *Fee.*

PART III.

TONNAGE DUES AND OTHER CHARGES ON VESSELS.

Tonnage Dues generally.

XXXVIII. A duty of two shillings and three pence per ton shall, save and except as is hereinafter provided, be paid by the master of every vessel, arriving with cargo and entering at the Custom House, on each and every occasion of such arrival and entry, to the Treasurer. But vessels under seventy-five tons burthen shall only be liable to the payment of the said duty of two shillings and three pence per ton once in any one year; and vessels arriving and also departing in ballast only, or calling here on their way to another port and landing passengers and small packages only, and not breaking bulk or disposing of any part of their cargoes, shall not be liable to the payment of the aforesaid duty: Provided always that if all or any portion of the cargo landed shall not exceed one-fourth of the capacity of the vessel, then a fourth only of said duty of two shillings and three pence per ton shall be paid: but if the quantity landed shall exceed a fourth, then one-half of said duty shall be paid, and if the quantity shall be more than half, then the full amount of said tonnage duty of two shillings and three pence per ton shall be paid; and provided also that if, under the permit to land part of cargo, any larger quantity shall be landed than is set forth in such permit, the vessel from which the same shall be landed shall be lia-

Tonnage dues 2/3 pr ton.

Vessels under 75 tons liable once a year only.

Payment to be in proportion to cargo landed.

Proceedings in case
of unsatisfactory
rating.

ble to the payment of the full amount of the aforesaid tonnage duty, in addition to any other penalty imposed by this Act. No vessel shall be cleared out at the Custom House until the duty aforesaid shall be paid: Provided also that where any vessel shall bring cargo for this and any other port at the same time, and the Comptroller or other proper officer of the Customs shall be of opinion, that the cargo to be landed at this port is not fairly rated so as to entitle the vessel bringing such cargo to pay less than the whole tonnage duty aforesaid, it shall be lawful for the Comptroller or other proper officer of the Customs to call in two disinterested merchants, and ascertain from them whether such rating is sufficient, so as to entitle the said vessel to pay less than the whole amount of tonnage duty, and the decision of such merchants shall be final: Provided always that should such two merchants disagree in opinion, the two said merchants shall appoint a third merchant as umpire, whose decision shall be final.

Payment of tonnage
dues in proportion to
cargo taken in.

XXXIX. Every vessel, not being a steam vessel exempt from tonnage dues, arriving partly loaded or in ballast shall be allowed to take in cargo on payment of the duties in the following proportions; that is to say, if the portion of the cargo taken in does not exceed one-fourth of the tonnage of the Vessel, a fourth only of such duty of two shillings and three pence per ton shall be paid; and if the quantity taken in shall exceed one-fourth of the whole tonnage, then half of the said duty shall be paid; and if the quantity taken in shall be more than half of the whole tonnage, then the full amount of the said duty of two shillings and three pence shall be paid, and no vessel shall be cleared out at the Custom House until the duty aforesaid shall be paid.

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XI. Whaling vessels arriving here with cargoes of oil and landing oil for re-shipment, shall be and they are hereby permitted to elect either to pay the ordinary tonnage dues or to put the oil in bond, paying at the rate of one shilling for every thirty-one-and-a-half gallons so landed and bonded. Tonnage dues of whaling ships.

Tonnage dues—how ascertained.

XLI. The duty on Tonnage shall be paid in the following manner, that is to say :— Tonnage—how to be ascertained.

- (1) In the case of a British registered vessel on the registered tonnage, as appears by the certificate of registry. British ships.
- (2) In the case of a vessel belonging to a foreign nation which has adopted the British rules for the measurement of vessels, on the tonnage denoted by the certificate of registry or other national papers, in so far as the arrangement goes, and as directed by Her Majesty's Order in Council to that effect issued. Foreign ships.
- (3) In the case of a vessel belonging to any other foreign nation, on the tonnage to be ascertained by measurement according to the rules prescribed in the Imperial Merchant Shipping Act, 1854 ; provided that when the difficulties of measurement are great, or when the application of the Rule No. 2 for external measurement of tonnage, of the Imperial Merchant Shipping Act, 1854, would result in making the vessel to appear of a much greater capacity than the actual one by Rule No. 1, in the said Act for internal measurement, an estimated equivalent or approximate measurement may be taken for the purposes of this Act from the particulars Foreign ships.

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shown in the vessel's papers, or otherwise ; provided that if this approximation be objected to, the objector may demand measurement.

Certificate of measurement to be granted.

(4) When a foreign vessel has been actually measured in this Island a certificate thereof shall be granted, and certificates of measurement by the authorised measurer issued at other ports in any part of Her Majesty's dominions shall be valid for the purposes of this Act. Such certificate shall be in force for two years from the date of issue, provided that the vessels to which they relate are not altered during the period to an extent interfering with their original capacity, and that stores, cargo, or passengers are not carried in any spaces which have not been included in, or which have been deducted from the gross tonnage.

Certificate be valid for two years.

(5.) A measurement certificate thus given shall be renewable at the end of two years without remeasurement, if the vessel upon survey is found to have been unaltered, and if stores, cargo, or passengers have not been carried in any unmeasured or exempted spaces.

Comptroller to ascertain duties.

XI.II. It shall be the duty of the Comptroller to ascertain the sums of money payable in respect of the Customs duties imposed by this Act, and also in respect of the tonnage duty on vessels arriving at this Island, and to see that such sums of money are correctly set forth in the warrant, in triplicate, showing for what goods or tonnage such sums are payable ; and every such warrant shall be numbered, beginning at number one, and continuing the numbers to the end of the quarter, and again beginning at

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number one, at the commencement of the next and every other quarter, and continuing them to the end of such quarter; and every such warrant shall be signed by the Comptroller, and countersigned by the first clerk of the Customs, and shall be taken to the Treasurer, who shall receive the amount payable in such warrant, and give a receipt thereon; and two copies of such warrant, with the Treasurer's receipt, shall be returned to the Comptroller, who shall carefully preserve the same, and the Treasurer shall produce all such warrants, with his receipts thereon, to the Auditor-General as vouchers, for the better examination and checking of the said Treasurer's accounts.

How such duties are to be paid to the Treasurer.

XLIII. Any vessel coming to this Island in distress shall be allowed to discharge cargo or ballast, and to make all necessary repairs, without payment of tonnage duty, except in cases where any such vessel arriving in ballast shall take in any cargo when repaired, in which case the whole tonnage duty shall be payable, or when coming with cargo, shall take in re-loading any additional goods on board, in which case such vessel shall be liable for a quarter or half-tonnage duty, as may appear, but no tonnage duty shall be chargeable to any vessel which after arriving here in distress and discharging cargo, is subsequently unable to take it all on board again from difficulty of restowing; and all vessels shall be liable for tonnage duty which, after arriving at this port in distress, shall subsequently be condemned by survey or abandoned, and in any such case the liability for payment of tonnage dues shall rest with the owner or consignee of such vessel, and any such dues for tonnage shall be recoverable as hereinbefore stated.

Vessels in distress exempt from tonnage duty except in certain cases.

Vessels in distress subsequently condemned to pay tonnage duty.

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Harbor Police and other fees.

Harbor Police Fees. XLIV. In consideration of the protection which under the provisions of the Act of the 25th day of August 1876, entitled "An Act to establish a Harbour Police for the Port of Bridgetown and to make provision for the maintenance thereof" will be afforded to vessels coming to this Port, the Master of every vessel arriving at this Island shall pay to the Treasurer for the uses of the Island, the sum of eight shillings and four pence on anchoring, and every vessel that shall land or take in any cargo shall pay to the Treasurer for the uses of the Island the following additional dues :

Vessels not exceeding 100 tons...	£	8	4
Exceeding 100 tons and not ex- } ceeding 200 tons..... }		0	10 5
Exceeding 200 tons and not ex } ceeding 300 tons..... }		0	12 6
Exceeding 300 tons.....		0	16 8

Vessels under 75
Tons liable twice a
year only.

XLV. Provided always that any vessel under seventy five tons burden shall only be liable to the payment of the said dues for two voyages in each year i. e. the first voyage in the first six months and the first voyage in the second six months in the year. Provided also that when the fee or duty hereby charged shall not be paid by the Master of any vessel, the charges shall be recovered as in case of servants' wages on complaint by the Treasurer, the Harbour Master, or the Superintendent of Harbour Police, before either of the Police Magistrates for Bridgetown, from the Consignee of such vessel.

Molehead duties.

XLVI. That from and after the passing of this Act, the owner or owners or master of every ship or vessel coming within the harbour of

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the Mole Head, except any vessel specially excepted by this or any other Act of this Island, shall, whilst continuing within the said harbour, pay the Harbour Master for the time being, or the person acting as such, the following duties; that is to say, for every ship or other vessel for groundage per day, the sum of one half-penny for each and every ton; for every ship or other vessel whilst loading or unloading as herein provided within the said harbour of the Mole-head, the sum of one penny per day for each and every ton; and for every ship or other vessel whilst heaving down, the sum of one penny half-penny per day for each and every ton.

XLVII. The Harbour Master is hereby authorised to demand and receive a fee of Four shillings for each Bill of Health issued by him; and he shall pay the same into the Colonial Treasury for the uses of the Island.

Bill of Health.

Fee 4/.

Vessels exempted from tonnage and other dues.

XLVIII. Vessels arriving here in distress and in ballast, which shall subsequently be condemned by survey and broken up, shall be exempt from tonnage duties.

**Vessels broken up
exempt from duty.**

XLIX. All steam vessels employed in carrying regular mails between this Island and any other port whatsoever, shall be permitted to enter Carlisle Bay and again to depart therefrom, free and exempt from all tonnage dues, and such steam-vessels shall also be permitted to tranship their passengers and merchandize from vessel to vessel in the said port free of all charges therefor.

**Exemption of steam
ships from tonnage
dues.**

L. The provisions of the last preceding section shall apply to all steam vessels of

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any flag regularly employed, or to be employed, in the transmission of Post Office mails between this Island and the places above mentioned, as fully and effectually in respect of freedom from tonnage dues, and from all charges in respect of the landing and transshipment of mails, passengers and cargo by and from all such steam vessels, as to the vessels of the Royal Mail Steam Packet Company. And all such steam vessels as aforesaid and their tenders shall fully conform in all other respects to the requirement of section twenty of this Act.

Condition of exemption.

LI. All steam vessels which enjoy the privileges of exemption from payment of tonnage duty, in consequence of bringing Post Office mails, shall have the benefit of such exemption only upon the express condition that such steam vessels are general carriers, and in case of the refusal of the master or agent of any such steam vessel to take cargo offered for shipment with despatch, at the usual rate of freight charged by such steam vessel, and for which such vessel shall have cargo space, and which cargo such steam vessel, may be in the habit of taking, to be conveyed to any port to which such vessel may be bound, then upon the fact of such refusal being proved to the satisfaction of the Comptroller, he shall require the agent of any such steam vessel to pay the tonnage duty on such vessel or her registered tonnage, and in default of payment of such tonnage duty by such agent, he shall recover the same from him as in case of servants wages on complaint before any Police Magistrate.

Upon refusal to take cargo to be liable to Tonnage duty.

Ships with Military and Naval stores free from all dues.

LII. Vessels importing or exporting military or naval stores for the use of her Majesty's army and navy shall be free and exempt

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from all tonnage dues and fees: Provided that such vessels land no other cargo whatever nor take on board any goods or merchandize, and that proof be given to the officers of the Customs that such stores are imported for the use of her Majesty's army and navy, and warrant granted for the unloading of the same by the Comptroller in the usual manner.

J.III. All vessels belonging to any well-known Yacht Squadron in Great Britain or elsewhere, which shall arrive at any port in this Island, shall be and they are hereby exempted from the payment of all tonnage, port, and harbour dues payable under any Act of this Island, and all such vessels shall be received in the ports of this Island on the same footing, and be entitled to the same privileges as they enjoy in the ports of the United Kingdom.

Exemption of Yachts

LIV. All vessels in which coal is imported for the use of steam vessels of war belonging to any foreign government shall be free and exempt from all tonnage and other dues; Provided that such vessels import no other cargo whatever, nor take on board any goods or merchandize, and that proof be given to the Comptroller that the coals so imported are solely for the use of such steam vessels, and that they are to be deposited in a depot to be appropriated exclusively for that purpose; and provided also that it shall be lawful for the Governor-in-Council, on any occasion when it shall seem fit to him, to suspend the operation of this section.

Ships with Coal for Foreign ships of war to be exempt from dues.

This section may be suspended.

PART IV.

IMPORTING, WAREHOUSING, AND EXPORTING OF MERCHANDIZE.

Making entry of goods generally.

LIV. The person entering any goods, whe-

Bills of entry.

ther inwards or outwards, shall deliver to the Comptroller or other proper officer, a bill of the entry thereof fairly written in words at length, containing the name of the importer or exporter, the name of the vessel, and of the place from or to which bound, and of the place within the port where the goods are to be laden or unladen, and the particulars of the quantity or description of the goods and packages containing the same, and the marks and numbers on the packages, and the contents thereof; and he shall then deliver at the same time one or more duplicates of such bills, in which all sums and numbers may be expressed in figures; and the particulars to be contained in such bills of entry shall be written and arranged in such form and manner, and the number of such duplicates shall be such as the Comptroller shall require, and on payment to the Treasurer of the duties due upon the goods in the manner hereinafter directed, the Comptroller or other proper officer shall grant a warrant for the unlading and lading of such goods.

When perfect entry cannot be made.

LVI. If the importer of any goods shall make and subscribe a declaration in writing before the Comptroller or other proper officer of the Customs, that he cannot for want of full information make perfect entry thereof, the Comptroller or other proper officer shall receive an entry by bill of sight for the packages or parcels of such goods, by the best description which can be given, and grant a warrant thereupon, in order that the same may be landed and secured to the satisfaction of the Comptroller or other proper officer, at the expense of the importer; and such goods may be seen and inspected by the importer in the presence of the proper officer; and within three days after the goods shall

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have been so landed, the importer shall make a perfect entry thereof, and pay all duties due thereon, and in default of such entry or payment of duties, such goods shall be taken to the warehouse to be provided for the purposes of this Act; and if the importer shall not within one month after such landing make perfect entry of such goods or pay the duties due thereon, or warehouse the same if liable to be warehoused, together with charges of removal and warehouse rent, the Comptroller shall cause the same to be sold by public auction to the best bidder, giving four or more days' public notice in the *Official Gazette* of the time and place appointed for the sale; and the money arising from the sale thereof shall be applied in the first place in payment of the said duties, charges, and warehouse rent, together with the charges that shall have been occasioned by the sale thereof, and the overplus (if any) shall be paid to the proprietor of the goods or other person authorized to receive the same.

Goods liable to be sold if perfect entry be not made.

Proceeds how to be applied.

Importing of Tobacco.

LVII. Leaf tobacco shall not be imported in outer packages of less than 50lbs net weight each, nor manufactured tobacco in outer packages of less than 80 lbs net weight each. Any such tobacco in outer packages of less weight shall be forfeited and seized and dealt with in the manner prescribed by this Act for goods forfeited; but it shall be lawful for the Governor-in-Council, if he shall think fit after making due enquiry into the facts and circumstances of each case, to order the Comptroller to deliver up to the party entitled to the possession of the same any package or packages of tobacco which may have been so seized by the Customs authorities; provided that such party shall pay all

Minimum weight of Tobacco to be imported.

Forfeiture

may be released by the Governor.

proper and necessary dues, charges, and costs incurred in respect of such tobacco and in respect of the seizure thereof.

Importing of Gunpowder.

Gunpowder not to be landed at public wharf.

LVIII. It shall not be lawful to land any gunpowder imported into this Island at the public wharf of Bridgetown, or at any place within the limits of the said town, under a penalty recoverable from every person so offending of not exceeding the sum of Ten Pounds, one-half to the informer, and the other half to be paid into the Public Treasury for the uses of this Island.

Penalty.

Gunpowder to be delivered at Charles Fort.

LIX. The master of every vessel in which gunpowder shall be imported into this Island, shall on his arrival report the quantity of gunpowder so imported to the keeper of the stores of the magazine, and deliver the same at Charles' Fort at such time as the storekeeper shall appoint, and should the consignee of such gunpowder not attend to receive the same at Charles' Fort, the storekeeper is hereby authorized to give a receipt to such master for such gunpowder delivered at Charles' Fort, which receipt shall be a sufficient discharge to such master for the same.

Importing of certain Books, etc.

Copyright books.

LX. It shall be lawful to import into this Island all books and reviews of whatever nature or kind, bound or in covers, from whatsoever country the same shall be imported, being reprints of books or reviews first composed, or written, or printed, or published in the United Kingdom.

LXI. On the importation into this Island

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of every reprint of any such book or review of whatsoever nature or kind the same may be, so as aforesaid first composed, written, printed, or published, in the United Kingdom, and protected at the time of such importation by any Act of the Imperial Parliament passed to enforce the law of copyright, whether such reprint be imported from the United States, or from any other foreign country, there shall be paid an *ad valorem* duty on the *bonâ fide* price of such reprints of twenty per cent; Provided always that before the reprint of any book or review as aforesaid be made liable to such *ad valorem* duty as aforesaid, the said book or review shall have been duly registered according to the provisions of the Act of the Imperial Parliament passed in the session holden in the fifth and sixth years of her Majesty, and entitled, "An Act to amend the Law of Copyright;" or of any Act of the Imperial Parliament made in that behalf; and provided also that the said duty shall not be paid on newspapers or other periodicals containing only extracts from such books or reviews as aforesaid.

Duty on importation
20 pr. ct. ad val.

LXII. The said duty shall be paid to the Treasurer, who is hereby directed, whenever he is required so to do, to report the same to the Governor, and the Governor is respectfully requested to remit the same to the Commissioners of Customs in London, with a detailed account thereof, at least once a year, in order that the said duty may be duly paid over to the registered proprietor of the copyright of such books or reviews respectively.

Duty to be paid to
Treasurer.

LXIII. At the time of the entry of any reprint of any book or review as aforesaid,

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Such works to be stamped. it shall be the duty of the officer passing such reprint to stamp the same, and the Comptroller shall furnish to the several officers who may require the same the necessary stamps for such purpose.

Warehousing of Goods generally.

Entries for Goods to be warehoused in Bond.

LXIV. No entry or warrant for the landing of any goods or the taking of any goods out of any warehouse (as hereinafter provided) shall be deemed valid, unless the particulars of the goods and packages in such entry or warrant shall correspond with the particulars of the goods and packages purporting to be the same in the report of the vessel or other report, (where any is required,) by which the importation or entry thereof is authorized, nor unless the goods shall have been properly described in such entry by the denomination, and with the character and circumstances, according to which such goods are charged with duty or may be imported; and any goods taken or delivered out of any vessel, or out of any warehouse by virtue of an entry or warrant not corresponding or agreeing in all such respects, or not properly describing the same, shall be deemed to be goods landed or taken without due entry thereof, and shall be forfeited; and it shall be lawful for the Comptroller or other proper officer, after the entry of any goods, on suspicion of fraud, to open and examine any package of such goods in the presence of two or more credible witnesses, and if upon examination the same shall be found to agree with the entries, they shall be re-packed at the public cost, but if otherwise they shall be forfeited.

Forfeiture.

Power to open and examine Goods.

LXV. The Comptroller shall procure proper warehouses for the warehousing of

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goods imported without the payment of duty, and he shall cause a scale of charges for such purpose to be prepared and laid before the Governor-in-Council for approval, and when approved the same shall be published in the *Official Gazette* of this Island, and such charges may from time to time be altered with the consent of the Governor-in-Council, and such alterations shall in like manner be published in the *Official Gazette*.

Warehouses for storing goods without payment of duty.
Scale of charges.

LXVI. It shall be lawful for the importer of goods to warehouse the same in the warehouses to be appointed for that purpose without payment of duty upon the first entry thereof, subject nevertheless to the rules, regulations, restrictions, and conditions hereinbefore and hereinafter contained and mentioned, and to such arrangements as the Governor-in-Council may consider it advisable to make for the convenience of the mercantile community and the trade of the port; provided always that a statement of any such arrangements made shall be immediately thereafter communicated to the two Houses of the Legislature.

Goods may be warehoused subject to regulations.

LXVII. Upon the entry of any goods to be warehoused, the importer, instead of paying down the duties thereon, shall give a general bond with two good and sufficient sureties to be approved of by the Comptroller, in such sum as shall be approved of by the Governor-in-Council, with the condition for the safe depositing of such goods in the warehouse mentioned in such entry, and for the exportation or for the shipment thereof as stores, according to the first account taken of such goods upon the landing of the same, and with further condition that no

Bond to be given by importers.

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part thereof shall be taken out of such warehouse until cleared from thence upon due entry and payment of duty, or upon due entry for exportation or shipment as stores, and with further condition that the whole of such goods shall be so cleared from such warehouse and the duties upon any deficiency of the quantity according to such first account paid within two years from the date of the first entry thereof; and such general bond shall cover all imports and exports for twelve months, and shall not be discharged until the goods shall have been accounted for to the satisfaction of the Comptroller, nor until the full duties due upon any deficiency of such goods not so accounted for, shall have been paid; provided always that no greater sum shall be recovered under the said bond than double the amount of the duties payable on the goods in respect of which a breach of the said bond shall be made.

Goods may be forfeited in certain cases.

LXVIII. If any goods entered to be warehoused shall not be duly carried into and deposited in the warehouse, or shall afterwards be taken out of the warehouse without due entry and clearance, or having been entered and cleared for exportation or shipment as stores from the warehouse, shall not be duly carried and shipped or shall afterwards be relanded, except with the permission of the proper officer of the Customs, such goods shall be forfeited.

Account of such goods how to be taken.

LXIX. Upon the entry and landing of any goods to be warehoused, the proper officer of the Customs shall take a particular account of the same, and shall mark each package or lot with such distinguishing marks or numbers as directed by the Comptroller, and shall enter

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the same in a book to be kept for that purpose, and no goods which have been so warehoused shall be taken or delivered from the warehouse, except upon due entry and under the care of the proper officer, for exportation or for stores, or upon due entry and clearance for home use ; and whenever the whole of the goods warehoused under any entry shall be cleared from the warehouse, or whenever further time shall be granted for any such goods to remain warehoused, an account shall be made out of the quantity upon which the duties have been paid, and of the quantity exported, and of the quantity (to be then ascertained) of the packages of goods still remaining in the warehouse, as the case may be, deducting from the whole the quantity contained in any whole packages (if any) which may have been abandoned for duties ; and if upon such account there shall in either case appear to be a deficiency of the original quantity, the duty payable upon such deficiency shall then at once be paid.

No goods to be removed without due entry.

Duty to be paid on any deficiency of original quantity.

LXX. No goods shall be warehoused unless the duties thereon amount to twenty shillings, nor shall any goods be taken out of the warehouse for home consumption unless the duties thereon amount to ten shillings, nor for exportation unless the duties thereon would if entered for home consumption have amounted to ten shillings ; provided always that the foregoing restrictions shall not apply to remainders of warehoused goods ; and it shall be lawful for the Comptroller, under such regulations as he shall see fit to make, to allow samples to be taken of any goods so warehoused, without entry and without payment of duty, except as the same shall eventually become payable as on a deficiency of the original quantity.

Limit of value for warehousing 20/.

and removal 10/.

Samples.

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Articles not to be Warehoused.

List of Goods not to
be warehoused.

LXXI. The following articles, viz :—

Bran, and Pollard and desiccated
Grain,
Bread of all kinds,
Bricks,
Carriages,
Cement,
Cedar board,
Coal,
Coke, and mixed preparations thereof,
Corn and Grain unground, except
Oats,
Fish Pickled, dried, salted or smoked,
Grindstones,
Gunpowder,
Horses, Mules, and Asses
Iron and iron work,
Lead, (metal),
Lumber,
Machinery,
Oars or Sweeps,
Oilmeal and Oilcake,
Paving Squares,
Shingles,
Shooks,
Slates,
Soap,
Spars,
Staves,
Tiles,
Timber, and
Woodhoops,

shall not be warehoused.

Sorting and repack-
ing.

LXXII. It shall be lawful for the Comptroller, under such regulations as he shall see fit to make, to permit the owner or other person having control over all goods warehoused to sort, separate, pack

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and repack any such goods, and to make such lawful alterations therein, or arrangements or assortments thereof, as may be necessary for the preservation of such goods, or in order to the sale, shipment, or legal disposal of the same, and also to permit any parts of such goods so separated to be destroyed, but without prejudice to the claim for duty upon the whole original quantity of such goods. It shall be lawful, however, for any person to abandon any whole packages to the officers of the Customs for the duties, without being liable to any duty upon the same.

Goods may be abandoned.

Removal of Goods from Warehouse.

LXXIII. All goods so warehoused shall be duly cleared, either for exportation or for home consumption within two years from the day of first entry for the warehousing thereof; and if any such goods be not so cleared, it shall be lawful for the Comptroller to cause the same to be sold in the manner hereinbefore provided, and the produce shall be applied first to the payment of the duties, next of warehouse rent and other charges, and the overplus (if any) shall be paid to the owner or other person authorized to receive the same. But it shall be lawful for the Comptroller to grant further time for any such goods to remain warehoused, if he shall see fit to do so.

Goods warehoused to be cleared within two years.

may be sold by Comptroller afterwards.

Extension of time.

LXXIV. No duty shall be charged in respect of any deficiency in goods entered and cleared from the warehouse for exportation, unless the Comptroller has reasonable ground to suppose that such deficiency, or any part thereof, has arisen from illegal abstraction or other improper causes.

No duty on deficiency on goods for exportation.

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Duties on goods
warehoused previous
to this Act.

LXXV. All goods which shall have been warehoused before the commencement of this Act, and shall thereafter continue so warehoused, shall, if taken out of the warehouse for home consumption, be subject to the duties to which such goods would be subject, if they were then imported into the Island, and not to any other duties; and all bonds which shall have been given for the payment of such duties shall remain and continue in full force and effect.

Exporting of Goods generally.

Certain goods in transit
to be warehoused.

LXXVI. Carriages, iron, iron-work, and machinery and all other goods not prohibited to be warehoused, and landed here in transit for places specially mentioned and so declared at the time of entry, may be warehoused in the same manner as other goods: Provided always that such goods shall be exported within three months from the date of entry, and if the same shall not be exported within the said three months, the duty thereon shall then be paid by the consignee of the vessel or goods.

List of Goods on
which drawback is to
be granted.

LXXVII. On the exportation of any of the undermentioned articles, which are not to be warehoused in Bond, viz :

Bran and Pollard and desiccated Grain,
Bread : Pilot and Navy, and Crackers,
Bricks,
Cement,
Corn and Grain unground, except Oats,
Gunpowder,
Hoops—wood : coiled or straight,
Horses and Mules,
Lumber : Whitepine, Pitchpine, Spruce,
Hemlock, Birch, and Beech,
Oil Meal and Oil Cake,

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Shingles,
Soap, and
Staves, whether loose or in bundles, or
Shooks,

a drawback of the duty shall be allowed thereon, if the amount claimed be not less than ten shillings; the exporter giving due notice before shipment of the same and passing an export warrant at the Custom House in the usual form, stating the particulars thereof; and before payment of such drawback shall be made, a certificate under proper authority at the port to which such goods have been exported, of the landing of such goods, shall be produced to the Comptroller or other proper officer of the Customs; or if the said goods shall be lost at sea, or in harbour, satisfactory proof thereof shall be given to the Comptroller: Provided also that no claim be allowed where a longer period than twelve months from the date of importation has elapsed, except in the case of horses and mules, when no drawback shall be allowed after a period of six months has elapsed from the time of importation; and the Comptroller shall issue an order on the Treasurer to pay such drawback, such order being previously examined and signed by the Auditor General. But no drawback of duty whatsoever shall be paid unless the landing certificate be produced to the proper officer of Customs within six months from the date of the exportation of the articles.

Limit 10/

Certificate of landing

Loss of Goods.

Limit of time.

Certificate to be produced within six months.

LXXVIII. Upon the entry outwards of any goods to be exported from the warehouse, the person entering the same and his sureties shall be liable under the general bond hereinbefore provided for, in double the duties of importation on the quantity of such goods, or if such goods are pro-

Entry outwards.

hibited to be imported for home use, in double the value of such goods—that the same shall be landed at the place for which they may be entered outwards, or be otherwise accounted for to the satisfaction of the Comptroller.

Exporting of Cigars, Spirits etc.

Exportation of certain goods ex warehouse.

Certificate of landing.

Duties to be paid if proof not given.

LXXIX. The owner or consignee of every vessel shipping cigars, tobacco, matches, spirits, or wine, bonded in any warehouse in this Island, shall within four calendar months after such shipment, produce to the Comptroller a certificate from the Comptroller or properly authorised officer of the port or place to which the said goods have been sent or shipped, that the same have been duly entered and landed according to law ; provided that if from the length of the voyage or other reasonable cause, such certificate cannot be produced. the said time may be extended at the discretion of the Comptroller, or if the said goods should be lost at sea. or in harbour, satisfactory proof thereof shall be given to the Comptroller; provided always that the certificate of a British Consul at any foreign port and, in the absence of a British Consul, then of two disinterested resident merchants, shall be deemed satisfactory proof of the landing ; and provided also that a certificate shall not be required for goods delivered as ship's stores to vessels of any nation : In default whereof the party who may have bonded the same in this Island shall be called on by the Comptroller to pay the duties on such goods, as if the same had been passed for consumption in this Island ; and should such party refuse payment of the same, the said Comptroller shall proceed under the yearly bond given by such party, and should such party be in possession of

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a warehouse, the licence shall be withdrawn, and the party declared not eligible thereafter to be the holder of any bonding warehouse.

Warehouse license may be withdrawn.

LXXX. In the case of coal or coke supplied for the use of steam vessels resorting to this port, or exported, the person so supplying or exporting shall be entitled to drawback thereon, on giving due notice to the Comptroller, by passing the usual export warrant for drawback, and in case any coal or coke shall be shipped on Sundays or holidays, or after official hours, the drawback warrant may be passed, and satisfactory proof of the shipment be lodged at the Custom House with the Comptroller on the following day, but not later : and the drawback on any such shipment shall be granted as stated in section seventy-seven.

Drawback on Coal for Steam ships' use.

Exporting of Rum.

LXXXI. The master of every vessel about to sail on his outward voyage having rum on board, the produce of this Island, shall previous to clearing out his vessel, deliver to the Treasurer a manifest containing a full account of the rum on board, with the marks and numbers of the casks, the name of the distillery on which the same was made, and of the shippers, signed and declared to as correct by the said master, in the form marked A in Schedule C to this Act annexed.

Vessels with Rum to furnish Treasurer with a manifest.

LXXXII. The Comptroller shall not clear any vessel having rum on board the produce of this Island, until the master delivers to him a certificate from the Treasurer in the form marked B in Schedule C to this Act annexed, that the manifest of the rum and declaration have been duly lodged

Vessels with rum to produce certificate from Treasurer.

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with him: Provided always that nothing in this section contained shall interfere with the provisions of this Act requiring entries outward to be made at the Customs for exports, whether of articles previously imported, or being the produce of this Island.

Exporting of Old Metals.

Notice to be given of exportation of old metals.

LXXXIII. No person shall export from this Island, or lade or put on board any vessel or boat, to be exported as aforesaid, any old metal without giving notice in writing of such intended exportation to the Comptroller at least forty-eight hours before any such old metal shall be shipped or water-borne, and such notice shall be signed by the person intending to ship the same, and shall contain a true and satisfactory description of the old metal so to be shipped, and of the quantity thereof, under a penalty not exceeding the sum of One Hundred Pounds.

Penalty.

For any false account or fraud penalty not exceeding £100.

LXXXIV. If in any such written notice any false account shall be wilfully given of the description or quantity of such old metal so intended to be shipped or water-borne, or if any fraud shall appear to be intended as to the shipping or exporting of such old metal, every person signing such notice, shall be liable to a penalty not exceeding the sum of One hundred Pounds.

Exporting of Cotton.

Cotton of this Island to be inspected previously to exportation

LXXXV. It shall not be lawful to export from this Island any cotton, the growth and produce of this Island, unless the same shall have been previously inspected, weighed, marked, and numbered by some one of the Cotton Inspectors, appointed under the

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Act of the 27th day of June, 1837, entitled "An Act to encourage the Planting of Cotton," and a certificate thereof obtained from such Inspector and lodged with the Comptroller, who is hereby strictly enjoined not to grant a clearance to any vessel having cotton on board, the growth and produce of this Island, unless such certificate be first lodged in his office.

LXXXVI. Every person who shall ship any cotton, the growth and produce of this Island, without the same having been duly inspected, weighed, marked, and numbered as aforesaid, and without having produced and left with the said Comptroller, such certificate as aforesaid, shall incur a penalty not exceeding Twenty Pounds. Penalty.

Goods liable to be prohibited from being exported.

LXXXVII. The following goods may by proclamation or order of the Governor-in-Council be prohibited either to be exported or carried coast-wise viz : arms, ammunition, and gunpowder, military and naval stores, and any articles which the Governor-in-Council shall judge capable of being converted into, or made useful in increasing the quantity of military or naval stores, provisions of any sort, or victual which may be used as food by man, and if any goods so prohibited shall be exported from this Island or carried coast-wise, or be waterborne to be so exported or carried, they shall be forfeited. Governor may prohibit exportation of arms &c.

PART V.

FRAUD, FORFEITURE, AND PENALTIES.

LXXXVIII. It shall be lawful for any

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Officers of Customs
power to search ves-
sels.

officer of the Customs freely to go on board any vessel coming to the Island, and to rummage and search all parts of such vessel for prohibited and unaccustomed goods, and also to go on board any vessel taking in goods for exportation, and to examine such goods, and ascertain if they agree with the entry thereof outwards.

Vessels &c. liable to
forfeiture.

LXXXIX All vessels, boats, carriages, and cattle used in the removal of goods liable to forfeiture, under this or any other Act of this Island, relating to trade or navigation, shall be liable to be forfeited; and every person who shall assist or be otherwise concerned in the unshipping, landing, or removal, or in the harbouring of such goods, or into whose hands or possession the same shall knowingly come, shall forfeit the triple value thereof, or the penalty of One hundred pounds, at the election of the Comptroller; and the averment in any action information or complaint which may be filed or exhibited for the recovery of such value or penalty, that the Comptroller has elected for the said triple value or the said penalty, as the case may be, shall be deemed sufficient proof of such election, without other or further evidence thereof.

Penalty.

Police-officers em-
powered to visit and
inspect bathing-
houses, &c.

XC. Every police officer, subject however to the rules and regulations now and hereafter to be made for the good government of the police, is hereby empowered, at any time both by night and by day, whenever he shall have reasonable ground to suspect that any private wharf, bathing house, or other erection in the sea, now or hereafter to be erected, is being perverted to the purpose of smuggling, to visit and inspect the same; and he shall have

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free access to every such wharf, bathing-house, or other erection, free from question, let, or hindrance, anything to the contrary in any private Act notwithstanding; provided always nevertheless that no such bathing-house shall be entered by any police-officer between sun-rise and sunset, if any person is bathing therein, until after one half hour's notice shall have been given to such person bathing, and provided also that such officer, other than the Inspector-General, so entering any such private wharf, bathing-house, or other erection in the sea, shall report his visit to the Inspector-General of Police, within a reasonable time afterwards and the result, and also the cause such officer had for suspecting that such private wharf, bathing house, or other erection in the sea, had been perverted to the purposes of smuggling, under a penalty not exceeding Five Pounds, to be recovered by the party aggrieved on complaint before the Police Magistrate of the District, in like manner as in the case of servants' wages.

XCI. On information on oath given before any Police Magistrate by any person, that he has reasonable cause to suspect that a larger quantity of petroleum than the quantity allowed by this or any other Act is kept in any store, shop or dwelling-house, it shall be lawful for such Police Magistrate to issue a warrant under his hand for searching for such petroleum, and all petroleum so found to be kept contrary to the provisions of any Act, shall be forfeited and sold under the order of such Police Magistrate; and the proceeds thereof, after deducting the charges of the prosecution, shall be divided as follows, that is to say one-third part there-

Any larger quantity of Petroleum than allowed by law to be kept on premises to be forfeited.

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of shall be paid over to the informer, and the other two-third parts thereof, shall be paid into the Public Treasury for the uses of the Island: Provided always that the occupier of any store or premises in which petroleum has been seized and forfeited as aforesaid shall be liable, in addition to such forfeiture, to all the penalties and forfeitures provided by any Act for the keeping of a larger quantity in stock than is allowed by law as aforesaid.

Penalty in addition.

Landing and disposing of Bilgewater.

Bilge-water.

Harbor master to give a permit.

XCII. In every case in which it shall be intended to land bilge water from any vessel in Carlisle Bay, the person so intending shall previously take to the Harbour Master the duplicate inward entry passed by the Treasurer therefor, as hereinafter provided for, and the Harbour-Master shall thereupon write an instruction to the serjeant or other policeman in charge of the harbour police boat on duty in Carlisle Bay or the Carenage, authorising him to permit such landing, upon receiving from the person in charge of any boat or lighter conveying to the shore any bilge water, a declaration in print and writing, in the form marked A in Schedule D to this Act annexed, from the master of any vessel from which any bilge water shall be so sent, that it is the natural and regular leakage of the produce on board such vessel, and that no improper or unfair means, of any kind whatever, have been used to increase the said normal leakage of such produce; and the serjeant or other policeman in charge of the harbour police boat, as aforesaid, shall take and keep the said declaration given in respect of each particular quantity of bilgewater so in process of being landed, and shall certify, on the original certificate and

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authorization, that he has seen and checked the quantity of bilge water, and has examined and retained the master's declaration, and shall sign his name and the date of such signature, and deliver the certificate back to the person presenting it, and such document shall be retained by the person having charge of the landing of such bilge water, as his lawful authority for such purpose.

XCIII. The consignee of any vessel desiring to land bilge-water shall in the first instance, before resorting to any of the provisions of this Act relating to Bilge-water pass an entry inwards with the Treasurer, in triplicate and in the form marked B in Schedule D to this Act annexed, stating the name and all particulars of the vessel, master, port of arrival and port of departure, the number and description of packages in which such bilge-water is contained, the probable total number of gallons, and, when practicable, the density of such bilge-water by Beaumè's saccharometer, together with the name of the consignee, and the name of the boat or drogher, or other vessel, by which such bilge-water is to be brought on shore, and of the person in charge thereof and of the owner thereof, and shall at the time of passing such entry inward pay to the Treasurer a sum of Five shillings for every puncheon of bilge-water to be brought on shore; and the Treasurer, after numbering all such entries in numerical order, shall direct the duplicate of such inward entry, to the Harbour Master who, upon receipt thereof, shall then act in accordance with the provisions of the last preceding section, restricting his authority to permit the landing of any such bilge-water to the quantity particularly mentioned and described in such inward entry; and the Treasurer shall trans-

Consignee of any vessel landing bilge water to make an entry thereof with the Treasurer.

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mit the triplicate of such inward entry as aforesaid to the proper officer of Customs, who shall, upon the landing of the bilge-water described in any such entry, examine the same so as to satisfy himself as to the correctness of the quantity stated in such entry, and he shall inscribe the date of such landing in short numbers, thus—1, 1, 79, signifying the first day of January, 1879, on each cask, and shall test the density of such bilge-water by Beaumè's saccharometer; and should such density be above 30 deg. Beaumè, he shall call upon such consignee making such inward entry, to make a post entry, and to pay the sum of two pence additional at the Treasury for every degree of density above 30 deg. And whenever any such bilge-water shall, on being tested immediately on its being landed, be of a less density than 30 deg., the officer ascertaining the same shall fill up a printed form with all particulars thereof, in the form marked C, in Schedule D, to this Act annexed, and shall deliver the same to the Treasurer, who shall there upon remit to the person who made the entry inwards, and paid Five shillings for any puncheon of bilge-water, so much of any sum paid as may appear to have been paid in excess, at the rate of two pence for every degree of density below 30 deg. down to 13 degrees of density by Beaumè's saccharometer inclusive; but no allowance or remission shall be granted for any degree of density below 13 deg. inclusive. Any person attempting to land any bilge-water contrary to the provisions of this Act shall, in addition to any other penalties or forfeitures imposed by this Act, be subject to a penalty of Five pounds for every package of bilge-water so landed. The Treasurer shall keep an account of the sums of money received for

Penalty.

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bilge-water, and shall furnish a quarterly statement thereof, in the same manner as is or may be provided with respect to rum in any Act relating to rum.

XCIV. All officers of Customs and policemen are especially enjoined and required to examine casks and packages landed from vessels taking in cargoes of molasses, purporting to be empty, so as to discover whether any molasses, or saccharine liquid, or bilge-water has been illicitly and unlawfully brought on shore in such package, and in case of discovery of any such illicit transactions, they shall seize such casks and their contents, and every person so offending shall, on conviction, be fined in a sum not exceeding Twenty pounds for every such offence.

Examination of Casks and packages.

Penalty.

XCV. It shall not be lawful to bring to the shore nor to land any bilge-water from any vessel in any port or bay of this Island, except between the hours of eight o'clock in the morning and four o'clock in the afternoon of working week days. And the Harbour Master, or any officer of the Customs, or any Police Magistrate or policeman may demand from any in charge of any bilge-water which is being brought on shore, or being in process of landing, his authority for the legal possession thereof, and any person refusing to show such authority to any person authorized to require its production, shall be subject to the operation of Section One hundred and one of this Act. Any bilge water attempted to be landed contrary to any of the provisions of this Act, shall be seized by any of the persons authorized by this Act to demand information respecting bilge water, and shall be sold

Time of landing.

Penalty for refusing to show authority.

Bilge water improperly landed may be sold.

Application of proceeds.

according to the notice and forms used by the Custom House authorities when goods or vessels are seized and sold; and after payment of expenses the residue shall be paid, one-half to the person making the seizure, and the remainder to the Treasurer for the use of the public. Any boat or drogher of any kind landing such bilge-water shall also be liable to seizure, and to be dealt with in like manner.

Penalty for increasing the natural leakage.

XCVI. If the master, or any person employed in any vessel in any port or bay of this Island, either by himself or in concert with any other person, shall use any means whatever to increase the natural and regular leakage from any produce shipped on board any such vessel, every person so offending shall on conviction thereof be subject to the payment of a penalty of not less than Ten pounds, nor more than Fifty pounds, at the discretion of the Police Magistrate before whom the offender shall be tried. In any case in which a penalty shall be recovered half thereof shall be paid by the Police Magistrate before whom the case shall be tried to the person informing, and the other half into the Treasury for the use of the public.

Informers to be entitled to half the penalty.

General Penalty.

XCVII. Every person who shall contravene or infringe any of the provisions of this Act relating to bilge water shall—except as particularly provided for in the last preceding section—on conviction thereof forfeit and pay a penal sum of not less than Ten shillings nor more than Fifty pounds, at the discretion of the Police Magistrate before whom the case may be tried.

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Forfeiture of Goods etc. for Smuggling.

XCVIII. If any vessel shall be found smuggling or attempting to smuggle any spirits, rum, or tobacco into any harbour, bay, creek, or landing place of this Island, such spirits, rum, or tobacco, together with every such vessel, her boats, tackle, apparel, and furniture shall be forfeited to Her Majesty, her heirs and successors, and may be seized by any officer of the Customs or Navy, or by any police officer.

Vessels to be seized for smuggling.

XCIX. Any person giving information to any officer of the Customs, or other officer authorized to make seizures, which shall lead to the seizure and condemnation of such vessel, spirits, rum, or tobacco, shall (after deducting the charges of prosecution) be entitled to one-third of such forfeiture, one-third shall go to the seizing officer, and the other third shall be paid into the Treasury for the use of the Island; and if the seizure be made upon the knowledge of such seizing officer himself, then he shall be entitled to one-third of the net proceeds of such condemned vessel and goods, and the remaining two-thirds shall be paid into the Public Treasury for the use of the Island.

Persons giving information to be entitled to portion of forfeiture.

C. If any goods shall be unladen from any vessel before due entry shall be made of such goods and warrant granted for unloading the same, or shall be unladen except at some place at which an officer of the Customs is appointed to attend the unloading of the same, or at some place for which a sufferance shall be granted by the Comptroller for the unloading thereof, such goods shall be forfeited, and may be seized and secured by any officer of the Customs or Navy,

Goods unladen before entry may be seized.

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Penalty for obstructing Officers in their duty.

Goods may be restored on payment of Fine.

Vessels &c. liable to forfeiture.

Penalty for obstruction.

Vessels &c. seized how to be dealt with.

or by any police officer; and if any person shall in any way hinder, oppose, molest, or obstruct any officer of the Customs or Navy, or any police officer, in the exercise of the powers given to him by this Act, or in the exercise of his office in relation thereto, or any person acting in his aid or assistance, every such person shall for every such offence forfeit a sum not exceeding One hundred pounds, or less than Five pounds; Provided always that where the Comptroller shall be satisfied that no fraud was intended, it shall be lawful for him to restore the goods on payment of a fine not exceeding Five pounds.

CI. All vessels, boats, goods, carriages, and cattle liable to forfeiture, under this or any other Act of this Island relating to trade or navigation, shall and may be seized and secured by any officer of the Customs or Navy, or by any police officer; and every person who shall in any way hinder, oppose, molest, or obstruct any officer of the Customs or Navy, or any police officer, in the exercise of the powers given to him by this Act, or in the exercise of his office in relation thereto, or any person acting in his aid or assistance, shall for every such offence forfeit a sum not exceeding One hundred pounds.

CII. All vessels, boats, goods, and other things which shall be seized as forfeited under this or any other Act of this Island relating to trade or navigation, shall be deemed and taken to be condemned, and may be dealt with in the manner hereinafter provided, unless the person from whom such vessels, boats, goods, or other things shall have been seized, or the

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owner of them, or some person authorized by him, shall within one calendar month from the day of seizing the same, give notice in writing to the person seizing the same, or to the Comptroller, that he claims such vessels, boats, goods, or other things.

CIII. All things which shall be seized as being liable to forfeiture under this or any other Act of the Island relating to trade or navigation, shall be taken forthwith and delivered into the custody of the Comptroller, who shall have the same properly secured, and after condemnation thereof, he shall cause the same to be sold by public auction to the best advantage.

All seizures to be delivered to the Comptroller, and sold by him.

CIV. If any officer of Customs, police officer, or other person shall seize or detect on shore, or in any vessel or boat, any old metal which shall have been shipped or laden, or intended to be shipped or laden, contrary to the intent or meaning of the provisions in that behalf of this Act, such officer of Customs, police officer, or other person, shall, upon proof thereof before any Police Magistrate, certified under his hand and seal, be entitled to receive such sum of money not exceeding five pounds as the said Police Magistrate, on consideration of all the circumstances, shall think proper to award; and the said Police Magistrate shall notify to the Governor the sum so awarded, and the Governor is hereby respectfully requested to issue his warrant to the Treasurer for the payment of the same.

Award not exceeding £5 to be made for the seizure or detection of old metal improperly laden or shipped.

CV. The Treasurer, the Inspector of Inland Revenue Officers, any Officer of Inland Revenue, the Inspector General of

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Rum re-landed from a vessel in which it had been laden for exportation

shall be sold.

Penalty.

Police, or any policeman of any grade, any Magistrate, Justice of the Peace, or constable, are required, on view or information, that any rum which has been sent from a distillery or from a warehouse for exportation, and carried on board any vessel, has been re-landed without the necessary permission required by this Act, to seize and carry away such rum; and for that purpose to break open any outer door or enclosure in the day time and call any peace-officer to their assistance, who is hereby required to give his aid, without the necessity of any warrant, under a penalty of Five pounds for any refusal or neglect: And any rum so seized shall be sold under the direction of the Treasurer, or of the Inspector of Inland Revenue Officers, or of the Inland Revenue officer of any district, and the proceeds, after paying costs and charges, shall be paid to the use of the public. Every person in whose possession, or on premises in whose occupation, any such rum as aforesaid is seized shall forfeit a sum not exceeding One hundred pounds, unless such person shall prove to the satisfaction of the Police Magistrate before whom the case is tried, that the same was placed on his premises without his consent or knowledge.

Penalties and Regulations

Governor authorised to impose penalty for breach of warehousing regulations.

CVI. The Governor-in-Council may impose a penalty, not exceeding fifty pounds for the violation of any rule or regulation made under the authority of this Act, with respect to the warehousing of goods, or to the entry or exportation of goods into or from any other port or place of this Island in addition to the port of Bridgetown.

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CVII. Every person violating any of the provisions of this Act for the violation of which no penalty is herein expressly provided, shall on conviction thereof be liable for every such offence to a penalty not exceeding Twenty pounds. **General Penalty.**

CVIII. If the master of any vessel shall except as herein otherwise provided depart from this Island with his vessel without having previously cleared out his said vessel at the office of the Treasurer, and at the office of the Harbour Master, complaint thereof may be made to any Police Magistrate by any person against the securities in the Comptroller's office for such vessel; and upon due proof thereof, the said securities shall forfeit and pay the sum of One hundred Pounds, which shall be levied and raised from both, or either of the said securities, one moiety thereof to be paid to the complainant, and the other moiety to be paid into the Treasury. **Penalty on master of a ship departing without clearing.**

CIX. If smuggled goods be at any time found deposited on or in any wharf, bathing-house, or other erection, as aforesaid, or being landed thereat with the knowledge or consent of the party or parties, or any of them entitled as aforesaid to the exclusive use, benefit, and emoluments thereof or arising therefrom, or with their connivance or the connivance of any of them, every such party or parties shall on conviction thereof forfeit and pay a penalty not exceeding One hundred pounds. **Penalty for concealing smuggled goods.**

CX. If any rum cleared for exportation is not duly shipped on board the vessel on which it was cleared, or is not duly exported, or is unshipped or re- **Rum cleared for exportation not duly shipped shall be forfeited.**

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Parties concerned
may be imprisoned.

landed, without the permission of the Comptroller or of the Treasurer, it shall be forfeited, seized, and sold by any Customs or police officer discovering the fact, by information or otherwise, and the proceeds, after the payment of costs and charges, shall be paid to the Treasurer; and the parties concerned, their aiders and assistants, shall be liable to be indicted at the Court of Grand Sessions for the offence, and upon conviction may be sentenced to be imprisoned, with or without hard labour, for not less than Three months or more than Twelve months: Provided always that if it shall happen that any such rum cannot be discovered, but it shall be proved that the same had not been duly shipped on board the vessel on which it was cleared, or had been unshipped or relanded without the necessary permission, all parties concerned in any such illegal act shall be liable to indictment, and, if convicted, to punishment as hereinbefore provided for. And irrespective of any other punishment in any of the cases stated, the person who shall be found guilty of any such contravention of the provisions of this section, shall be liable to pay double the duty which would have been payable on such rum if the same had been lawfully sold for consumption.

double duty.

Reprints imported
contrary to this Act
to be forfeited.

CXI. It shall not be lawful for any person to import or bring, or cause to be imported or brought, into this Island for use, sale, or hire, any reprint referred to in this Act, and hereby made liable to the duty aforesaid, contrary to the true intent and meaning of this Act; or knowingly to sell, publish, or expose to sale, or let to hire, or have in his possession for use, sale or hire, any such reprint as aforesaid. And every such reprint so imported or brought

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into this Island, sold, published, exposed to sale, or let to hire, shall be forfeited and sold, and one-half of the proceeds of the sale thereof shall be paid to the officer of customs seizing the same, and the other half to the registered proprietor of the copyright of the book or review from which such reprint is made. And every person so offending, being duly convicted thereof, shall for every such offence forfeit and pay the sum of Five Pounds, and double the value of every copy of such reprint which he shall so import or caused to be imported into this Island, or shall knowingly sell, publish, expose to sale, or let to hire, or shall have in his possession for sale or hire, contrary to the true intent and meaning of this Act; and one half of such penalty shall be paid to the officer seizing, and the remainder thereof shall be paid to the Treasurer, and remitted to the use of the proprietor of the copyright in the manner hereinbefore provided for. **Penalty.**

PART VI.

LEGAL AND OTHER PROCEEDINGS.

CXII. All penalties and forfeitures incurred under this or any other Act of this Island relating to trade or navigation, except as herein otherwise expressly provided, shall be prosecuted, sued for, and recovered with costs, as in case of servants' wages, on complaint of the Treasurer, or the Harbour Master, or any officer of the Customs, or any officer of the Inland Revenue, or any police officer, before any Police Magistrate, who is hereby empowered and required to entertain and adjudicate all such complaints; and all proceedings therein shall be taken free of expense to any such officer bringing any such **Legal proceedings with certain exceptions to be taken before Police Magistrate.**

complaint, and in case any such complaint shall be dismissed, the Magistrate shall not require the complainant to pay any costs unless he shall be of opinion that such complaint was not brought *bona fide* or on reasonable cause.

When the offence is declared to be a 'criminal' one.

CXIII. In every case in which any offence against the provisions of this Act is declared to be a criminal offence and is made punishable by indictment or otherwise, the information or complaint for such offence may be laid or brought by any one of the officers mentioned in the last preceding section before any Police Magistrate, who is hereby empowered and required to entertain and deal with the same according to the nature of the offence charged.

Proceedings in some cases in the Court of Common Pleas.

CXIV. Except in cases herein otherwise expressly provided, where any sum of money becomes due to the Public of this Island, whether on bond or otherwise, by any person or persons under the provisions of this or any other Act of this Island relating to trade or navigation, such sum of money so due may be sued for in the Court of Common Pleas in the name of the Attorney General, or of the Comptroller, and recovered with full costs.

Suits may be commenced within 3 years.

CXV. All informations or complaints for the recovery of any of the penalties or forfeitures imposed by this or any other Act of this Island relating to trade or navigation, may be commenced at any time within three years after the offence committed, by reason whereof such penalty or forfeiture shall be incurred.

CXVI. All penalties and forfeitures recovered under this or any other Act of this Island relating to trade or navigation, shall,

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unless herein or therein otherwise expressly provided, be paid into the hands of the Treasurer, and shall, unless herein or therein otherwise expressly provided, be divided, paid, and applied as follows, that is to say —after deducting the charges of prosecution from the produce thereof, one-third part to the person who shall inform or seise, as the case may be, and prosecute for the same, and the other two-third parts to the uses of the Island.

Disposal of penalties and forfeitures.

CXVII. When the Comptroller shall have reasonable grounds to suspect that any goods subject to the duties imposed by this Act have been fraudulently or illegally imported, it shall be lawful for the said Comptroller to call before him any person whomsoever and examine such person upon oath touching or concerning the importation into this Island of any such goods in order to the discovery of any frauds or illegal proceedings in reference thereto; and in case of the wilful neglect or refusal of any person to appear before the said Comptroller, after service of a sufficient summons under his hand and seal, or in case such person after appearing shall refuse to answer such lawful questions as shall tend to the discovery of any such illegal practices, it shall be lawful for the said Comptroller to commit such person to any prison in this Island, there to remain without bail or mainprise, until he shall conform to the provisions of this section; provided that no person shall be kept in prison for a longer time than three months under the provisions of this section.

Comptroller may examine any person respecting illegal importations.

CXVIII. Under the authority of a writ of assistance, granted by the Chief Judge of this Island, (who is hereby authorised and required to grant such writ of assistance, upon

Writ of assistance.

application made to him for that purpose by the Comptroller,) it shall be lawful for any Customs officer, taking with him a police officer, to enter any building or other place, in the day time, and to search for and seize and secure any goods liable to forfeiture under this or any other Act of this Island relating to trade and navigation, and in case of necessity, to break open any doors, chests, or other packages for that purpose; and such writ of assistance when issued, shall be deemed to be in force during the whole of the Sovereign's reign during which the same shall have been granted, and for twelve months from the conclusion of such reign.

Resisting Officers of Customs.

**Imprisonment or fine
for resisting officer.**

CXIX. If any person shall with force or violence assault, resist, oppose, molest, hinder, or obstruct any officer of the Customs, Navy, or police, or any other person employed as aforesaid in the exercise of his office, or any person acting in his aid or assistance, when any such officer or person is engaged in carrying out any of the provisions of this or any other Act relating to trade or navigation, every such person shall be guilty of a misdemeanour, and being convicted thereof on indictment shall be liable at the discretion of the Court to be imprisoned for any term not exceeding two years with or without hard labour, or to pay a fine not exceeding fifty pounds.

**Proof as to non-payment of duty &c.
shall lie on owner or
claimer of goods.**

CXX. If goods be seized for non-payment of duties, or any other cause of seizure, and any dispute shall arise whether the duties have been paid for the same, or whether the same have been lawfully imported, or lawfully laden or exported, the proof thereof shall lie on the owner or claimer of such goods, and

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not on the officer who shall seize or stop the same.

CXXI. If any person shall stave, break, or in any way destroy any goods liable to seizure, either before or after the actual seizure thereof; or shall scuttle, sink, or cut adrift any vessel, or destroy, or damage any vehicle liable to seizure, either before or after the actual seizure thereof, such person shall forfeit the sum of One hundred pounds, and also the value (if the same be proved) of the articles thus damaged or destroyed.

Penalty for the destroying of goods &c. liable to seizure.

CXXII. The execution of any sentence restoring any vessel, boat, goods, or other things to the claimant thereof, shall not be suspended by reason of an appeal therefrom, if the claimant shall give sufficient security, to be approved of by the Court, to render and deliver the vessel, boat, goods, or other things, or the full value thereof, to be ascertained either by agreement between the parties or by appraisement under the authority of the Court, to the Appellant, in case the sentence be reversed and the vessel, boat, goods, or other things be ultimately condemned.

Boats, goods &c. may be delivered up pending the suit on Security being given.

CXXIII. If any officer of the Customs, or any police officer, or other person duly employed for the prevention of smuggling, shall make any collusive seizure, or deliver up, or make any agreement to deliver up, or not to seize any vessel, boat, or goods liable to forfeiture under this or any other Act of this Island relating to trade or navigation, or shall take any bribe, gratuity, recompense or reward for the neglect or non-performance of his duty, every such officer or other person shall on being found guilty thereof

Collusive seizure &c.

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Penalty on officers. forfeit for every such offence a sum not exceeding Five hundred pounds, and shall be for ever incapable of holding any situation in the public service of this Island; and every person who shall give or offer or promise to give or procure to be given any bribe, recompense, or reward to, or shall make any collusive agreement with, any such officer or person as aforesaid, to induce him to neglect his duty or to do, conceal, or connive at anything, whereby the provisions of this or of any such other Act may be evaded, shall on being found guilty thereof forfeit a sum not exceeding Two hundred pounds.

Penalty on others concerned.

Recovery of Tonnage dues. CXXIV. If any vessel arriving at the port of Bridgetown shall land any portion of her cargo, on payment of a proportionate part of her tonnage duties, and shall afterwards take in cargo for exportation, or if any vessel arriving partly laden, for the purpose of completing her cargo, shall land any cargo, and shall leave the Island without payment of the full amount of tonnage duties, such duties, or the part thereof remaining unpaid, shall be recovered with costs from the owner or consignee of such vessels; and the said owner or consignee shall be liable, in addition, to forfeit and pay a penalty of Fifty pounds.

Counterfeiting or falsifying documents. CXXV. If any person shall counterfeit or falsify or wilfully use when counterfeited or falsified, any entry, warrant, cocket, transire, Treasurer's receipt or other document for the unloading, lading, entering, reporting, or clearing of any vessel, or for the landing, shipping, or removing of any goods, stores, baggage, or articles whatsoever; or shall, by any false statement, procure any writing or document to be made for

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any such purpose, or falsely make any oath, affirmation, or declaration required by this Act or by any other Act relating to trade or navigation ; or shall forge or counterfeit a certificate of such oath, affirmation, or declaration, or shall publish such certificate knowing the same to be so forged or counterfeited ; or if any person required to answer any proper question put to him by any officer of the Customs under the authority of this or any other such Act shall not truly answer such question, every such person shall on being found guilty thereof, except in cases otherwise provided for by this or any other such Act, over and above any other penalty or punishment to which he may become subject, forfeit and pay a penalty not exceeding the sum of Two hundred pounds.

Actions against Officers of Customs etc.

CXXVI. No writ shall be sued out against, nor a copy of any process served upon, any officer of the Customs, Navy, or Police, or any other person, for anything done in pursuance of the provisions of this or any other Act relating to trade or navigation, until one month after notice in writing shall have been delivered to him, or left at his usual place of abode, by the attorney or the agent of the party who intends to sue out such writ or process ; in which notice shall be clearly and explicitly contained the cause of the action, the name and place of abode of the person who is to bring such action, and the name and place of abode of the attorney or agent ; and no evidence of any other cause of such action shall be received at the trial except such as shall be contained in such notice, and no verdict or judgment shall be given for the plaintiff un-

No proceeding against officers until after a month's notice.

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less he shall prove at the trial that such notice was given, and in default of such proof, the defendant shall recover in such action a verdict or judgment, and costs.

**Officer can tender
amends within one
month after notice.**

CXXVII. It shall be lawful for any such officer or person against whom any such action shall be brought on account of anything done under the authority of this or any other such Act as aforesaid, within one month after such notice, to tender amends to the party complaining or his agent, and to plead such tender in bar of any action together with other pleas, and if the court or jury (as the case may be) shall find the amends sufficient, they shall give a verdict for the defendant; and in such case, or in case the plaintiff shall become non-suit, or shall discontinue his action, or judgment shall be given for the defendant upon demurrer or otherwise, then such defendant shall be entitled to the like costs as he would have been entitled to in case he had pleaded the general issue only; and it shall be lawful for such defendant, by leave of the Court, where such action shall be brought, at any time before issue joined, to pay money into Court as in other actions.

**Actions must be
brought within three
months.**

CXXVIII. Every such action shall be brought within three months after the cause thereof, and the defendant may plead the general issue, and give the special matter in evidence; and if the plaintiff shall become non-suit, or shall discontinue the action, or if upon a verdict, or on demurrer, or otherwise, judgment shall be given against the plaintiff, the defendant shall recover treble costs, and have such remedy for the same as any defendant can have in other cases where costs are given by law.

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CXXIX. In any such action, if the Judge or Court before whom such action shall be tried, shall certify upon the record that the defendant in such action acted upon reasonable and probable cause, then the plaintiff in such action shall not be entitled to more than one shilling damages, nor to any costs of suit. **Damages and costs.**

CXXX. In case any information or suit shall be brought to trial or determined on account of any seizure made under this or any other Act relating to trade or navigation, and a verdict shall be found or judgment given for the claimant thereof, and the Judge or Court before whom the cause shall have been tried or brought, shall certify on the record that there was reasonable and probable cause of seizure, the claimant shall not be entitled to any costs of suit, nor shall the person who made such seizure be liable to any action, indictment, or other suit or prosecution on account of such seizure; and if any action, indictment, or other suit or prosecution shall be brought to trial against any person on account of such seizure, wherein a verdict or judgment shall be given against the defendant, the plaintiff, or prosecutor, if reasonable and probable cause be certified as aforesaid on the record, shall not be entitled, besides the thing seized, or the value thereof, to more than twopence damages, nor to any costs, nor shall the defendant in such prosecution in any such case be fined more than one shilling. **Claimant not have cost of suit if there was reasonable or probable cause of seizure.**

Claiming of things seized.

CXXXI. No claim to any thing seized under this or any other Act of this Island relating to trade or navigation, and returned into the Court of Common Pleas **As to claim for things seized.**

for adjudication, shall be admitted, unless such claim be entered in the name of the owner, with his residence and occupation, nor unless oath as to the property in such thing be made by the owner, or his attorney or agent, by whom such claim shall be entered, to the best of his knowledge and belief; nor unless sufficient security shall have been given to the satisfaction of the Chief Judge of the said Court of Common Pleas, in a penalty not exceeding Sixty Pounds, to answer and pay the costs occasioned by such claim; and in default thereof, such things shall be judged to be forfeited and shall be condemned; and any person making a false oath in respect of such claim, shall be deemed guilty of perjury, and shall be liable to be indicted, tried, convicted, and punished for perjury.

Seizures may be delivered up on Security.

CXXXII. If vessels, goods, or other things shall be seized as forfeited, under this or any other Act of this Island relating to trade or navigation, and detained at the Custom House, it shall be lawful for the Chief Judge of the Court of Common Pleas, with the consent of the Comptroller, to order the delivery thereof, on security by bond with two sufficient securities to be first approved by the Comptroller, to answer double the value of the same in case of condemnation; and in case such vessels, goods, or other things shall be condemned, the value thereof shall be paid into the hands of the Treasurer, and thereupon such bond shall be cancelled.

PART VII.

MISCELLANEOUS PROVISIONS.

CXXXIII. The Comptroller shall cause quarterly returns to be laid before the

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Legislature of all goods imported into and exported from this Island, with the description and quantity of such goods, and the value of such as are subject to the *ad-valorem* duty, and of all goods which shall have been placed in and removed from any warehouse during every such quarter, distinguishing such as have been removed for consumption from such as have been exported; and also quarterly returns of all vessels which shall have entered at the Custom House, with the date of entry and tonnage of every such vessel, distinguishing such vessel in respect of which a portion of tonnage duty, and what portion, had been paid; and distinguishing also such vessel in respect of which no tonnage had been paid; and also quarterly returns of the aggregate amount of all sums of money payable for duties on tonnage, under the warrants signed by him, and returned with the Treasurer's receipts, distinguishing the aggregate amount paid for tonnage from the aggregate amount paid for duties on goods.

Quarterly Returns
for the Legislature.

CXXXIV. It shall be lawful for persons carrying on the business of refiners to import sugar, molasses, or syrup from other colonies or places, or to purchase in bond any sugar, molasses, or syrup imported into this Island, and to refine the same in bond, subject to the following regulations: That the refiner shall enter into an annual bond with two sufficient sureties, to be approved of by the Comptroller, in such sums as shall be fixed by the Governor-in-Council, to export or deposit in bond for exportation within four months from the date of each such importation or purchase, for every one hundred pounds weight of Muscovado sugar, eighty pounds weight of refined

Refiners can refine in
Bond.

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sugar in full, or seventy-five pounds weight refined sugar, together with twenty pounds of molasses, or two gallons of rum of twenty-five degrees proof, and for every one hundred pounds of molasses or syrup, thirty pounds weight of improved or refined sugar, together with fifty pounds of molasses or treacle, or five gallons of rum, at the option of the party exporting the same.

Rent and charges to
be paid Quarterly,

CXXXV. The rent of warehouses and incidental charges of the Customs Department, to be allowed by the Governor-in-Council, shall be paid quarterly from the Public Treasury, on the warrant of the Governor-in-Council; and in order to provide for the prompt payment of the hire of a porter, and such like incidental expenses, the Governor-in-Council is hereby authorised, on the requisition of the Comptroller, to issue from time to time, warrants to the Treasurer of the Island, requiring him to pay the same weekly or otherwise, on the certificate of the Comptroller.

other charges weekly

Fees of Registrar and
Measuring Surveyor
of ships.

CXXXVI. The fees specified in Schedule E to this Act annexed shall be payable upon all duties performed at the Port of Bridge-Town, under the second part of the Imperial Merchant Shipping Act, 1854; and the person appointed to act as registrar and admeasurer of shipping for the said port or his lawful deputy may refuse to proceed to the performance of any such duty, unless the fee payable thereon be first paid.

Appointment of
Measuring Surveyor.

CXXXVII. Whenever a vacancy may occur from death, resignation, or misconduct, the Governor shall appoint a fit and proper person to be Measuring Surveyor of Tonnage for this Island, who shall be paid by

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fees at the same rate as paid by British vessels for original registration, in accordance with the provisions of the last preceding section for the services performed under this Act, from the Public Treasury, by warrant of the Governor-in-Council.

CXXXVIII. In order to enable officers of the Customs to carry out efficiently the provisions of this Act, it shall be lawful for the Governor-in-Council from time to time, to make rules and regulations for the guidance of the said officers, in relation to any of the matters and things contained in this or any other Act relating to trade or navigation; and also to make rules and regulations with respect to the warehousing of goods, or to the entry and exportation of goods into or from any port or place of this Island, in addition to the Port of Bridgetown; provided that such rules and regulations be not repugnant to this or any other such Act, and that they be published in the *Official Gazette*, and be laid before the two Houses of the Legislature.

Governor to make rules and regulations for guidance of Officers.

CXXXIX. Whereas it has been deemed expedient to authorise the Comptroller in special cases, to require the services of any officer of the department beyond the hours of general attendance, the said Comptroller making an immediate report to the Governor of the circumstances of the case, and of the name of the officer appointed to the service; be it enacted that officers of the Customs whose services may be required beyond the hours of general attendance shall be remunerated by the party requiring the same, according to a rate to be fixed by the Governor-in-Council; and any officer of the Customs employed out of the regular office hours in discharging goods

Remuneration to officers for extra services.

imported in mail steamers shall on every occasion, be allowed and paid in addition to his salary the sum of One pound for such service: Provided that when such mail steamer shall arrive after six o'clock in the evening, and the officer has to perform the duty of discharging at night, he shall receive the further sum of One pound in addition for each night's service; and provided also that when the officer is out at night in expectation of an overdue steamer, he shall receive such latter sum for which he is out on duty—whether such steamer arrive or not—which allowances shall be included in the incidental expenses of the Customs department.

Extra services of officers.

CXL. Whenever, in the interest of the public, the services of any officer of Customs may be required out of the prescribed hours of attendance, the Comptroller is hereby authorized and empowered to remunerate such officer for the extra services required of him at the same rate as that fixed by the Governor-in-Council to be paid by merchants and others requiring extra services, such remuneration to be included in the incidental expenses of the Customs department, and to be sanctioned by the Governor-in-Council.

Repealing Clause.

CXLI. The several Acts and parts of Acts mentioned in Schedule F to this Act annexed shall be and the same are hereby repealed:

Provided that—

- (1.) Any Order in Council or warrant made and any license or certificate granted under any enactment hereby repealed,

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shall continue in force as if it had been made or granted under this Act ; and

(2.) Any enactment or document referring to any Act or enactment hereby repealed shall be construed to refer to this Act or to the corresponding enactment in this Act :

(3.) This repeal shall not affect—

(a.) The past operation of any enactment hereby repealed, nor anything duly done or suffered under any enactment hereby repealed ; nor

(b.) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed ; nor

(c.) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed ; nor

(d.) Any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid ; and any such investigation, legal proceeding, and remedy may be carried on as if this Act had not passed.

CXLII. This Act shall come into operation on the First day of January, One thousand eight hundred and Seventy-nine, and shall continue in force until the Thirty-first day of December, One thousand eight hundred and seventy-nine.

Limitation of period of operation of the Act.

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SCHEDULE A.

TABLE A. (Sec. 4)

DUTIES OF CUSTOMS INWARDS.

	£	s.	d.
Arrowroot, Touslesmois, and all other Starches, the 100 lbs.	0	1	0
Asses, each.....	0	5	0
Bran, Poilard, and desiccated Grain, the bushel.....	0	0	3
Bread—Pilot and Navy, and Crackers, the 100lbs.....	0	0	6
Bricks, the 1,000.....	0	3	0
Butter, the 100lbs.....	0	7	6
Candles—Tallow, the 100lbs....	0	5	0
“ other kinds, the 100lbs.	0	10	0
Cement, the barrel	0	1	3
Cheese, the 100lbs.....	0	7	6
Coal, and mixed preparations thereof, and Coke, the ton...	0	2	6
Cocoa, the 100lbs.....	0	1	3
Coffee, the 100lbs	0	2	6
Cordage, (except Twines), the 100lbs.	0	1	6
Corn, and Grain unground, the bushel.....	0	0	3
Fish—dried, salted, or smoked, the 112lbs.....	0	0	2½
“ pickled, the barrel.....	0	0	5
Flour—wheat or rye the barrel	0	4	2
“ Indian meal or other kinds, the barrel.....	0	1	3
Gunpowder—blasting, the 100lbs.	0	5	0
“ other kinds, the 100 lbs.	0	10	0
Horses—under 13½ hands high, each.....	0	10	0
“ all others, each.....	2	0	0
Lard, the 100lbs.....	0	4	0
Lead—white, the 100lbs.	0	1	8

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Liquors :

Malt Liquor, Cider and Perry			
in wood, the cask 64 gals...	0	15	0
" in bottles (reputed quarts) the			
doz.	0	1	0
Spirits and Cordials, (except			
Rum and Gin, and perfumed			
Spirits to be used as perfum-			
mery only,) the gallon.	0	6	0
Gin, for every gallon below			
or equal to proof by Sykes'			
Hydrometer.....	0	3	0
" and for every higher degree			
of proof in proportion...			
Rum, for every gallon below			
or equal to proof by Sykes'			
Hydrometer	0	3	0
" and for every higher degree			
of proof in proportion.....			
Wine, of all kinds in wood or			
other vessels not being bot-			
tles, of the value of £20 and			
upwards per Pipe, the gallon	0	1	8
" below the value of £20 per			
Pipe, the gallon.....	0	0	6
Wine, in bottles not exceeding			
in value tenshillings the doz-			
en reputed quarts, the doz.			
reputed quarts.....	0	1	0
" exceeding in value ten shil-			
lings the dozen and not ex-			
ceeding twenty shillings the			
doz, reputed quarts	0	3	0
" exceeding in value twenty			
shillings the dozen reputed			
quarts.....	0	6	0
Matches—lucifer and other kinds,			
the gross of 12 doz. boxes,			
each box to contain 100			
sticks	0	1	0
" and boxes containing any			

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greater or less quantity, to
be charged in proportion.

Meat—salted or cured, the 100
lbs..... 0 5 0

Metals—New :

Composition nails, bolts, bars,
rods, spikes, and rivets, the
100 lbs..... 0 4 2

Copper in sheets, rods, bars,
bolts, spikes, nails, and
rivets, the 100 lbs..... 0 4 0

Iron hoops, bars, and rods, the
100 lbs..... 0 0 4

Iron, nails, spikes, rivets, and
clinches, the 100 lbs..... 0 1 0

Lead—Sheet and Pipe, the 100
lbs..... 0 1 0

Yellow Metal, in sheets, the
100 lbs..... 0 3 0

Metals—Old :

Copper, Brass, and Pewter, the
100lbs..... 0 2 0

Iron, the 100lbs..... 0 0 2

Lead, the 100lbs..... 0 0 6

Mules—of the value of £20 and
upwards cost..... 1 10 0

“ Under the value of £20 cost 1 0 0

Oil Kerosine, the gallon, 0 0 2½

Oilmeal and oilcake, the 100lbs 0 0 5

Rice, the 100lbs..... 0 0 6

Soap, the 100lbs..... 0 1 3

Sugar—refined, the 100lbs..... 0 10 0

“ crystallized vacuum pan,
the 100lbs..... 0 2 6

Tallow, the 100lbs..... 0 2 0

Tea, the lb 0 0 3

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Tobacco :

Cigars, Cheroots, and Cigarettes, of all kinds, the lb.	0	3	0
Leaf, the lb.	0	0	6
Manufactured (including Snuff), the lb.	0	1	0

Wood :

Hemlock, birch, and beech, the 1000 feet, superficial measurement.....	0	5	0
Hoops. whether coiled or straight, the 1200 pieces...	0	6	0
Oxbows, the dozen	0	0	6
Truss Hoops, the set of nine...	0	1	3
White Pine, Pitch Pine, and Spruce, one inch thick, the 1000 feet, superficial measurement.....	0	5	0
" all other kinds, except in naves, felloes, spokes, and unsquared posts, the 100 cub. feet.....	0	8	4
Shingles of all descriptions, the 1000.....	0	1	6
Staves, whether loose or made up in bundles or shooks, the 1200 pieces.	0	6	0

All other articles not in this Table particularly enumerated or in Table B. particularly exempted 4 P Ct. *ad valorem*.

TABLE B. (Sec. 4.)

EXEMPTIONS FROM DUTY.

All articles for the use of the Governor of the Island, and of the Commander of Her Majesty's Forces, for the time being.

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All articles and things whatsoever imported by the Local Government for the Police or for Public Institutions.

All articles and things of every description for the use of Her Majesty's Military and Naval Forces, and all building materials and supplies, imported or taken out of bond under the authority of Her Majesty's Treasury; for Military and Naval services, under certificate from the head of the department concerned.

All articles and things of every description imported by any Military or Naval officer on full pay in Her Majesty's service, for his use and accommodation, on the certificate to that effect of the officer so importing. Also all articles and things whatsoever imported by Military and Naval Departments, Messes, and Canteens, on the certificate of the head of the service concerned.

The Governor, Commander of the Forces Military and Naval Departments, Military and Naval Officers on full pay, and Military Messes, and Canteens purchasing any articles whatsoever, shall be entitled, when the duty thereon shall amount to ten shillings, to have the same refunded to them out of the Public Treasury, on the warrant of the Governor in Council, on the certificate of the party so entitled to the refund.

Where Horses are purchased by the Governor, or by any departments, or by any officer of the Army or Navy on full pay, direct from the importer within six months from the date of import, the duty shall be allowed to the purchaser, on

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the warrant of the Governor-in-Council,
on the certificate of the parties concern-
ed in the said purchase.

Asphalt.

Blubber, and heads and offals of fish.

Bones and Horns.

Books, Forms, and Papers, (whether print-
ed or manuscript) Maps, Charts, School
Globes, Engravings, Music, Pictures,
Statues, and other works of art.

Bottles of glass or stoneware—empty.

Bullion, coin, and diamonds.

Calves, (sucking) and Foals.

Cassaripe.

Cattle.

Cocoanuts.

Cotton Wool.

Eggs.

Fresh Fish and Turtle.

Fresh fruit and vegetables.

Fresh Meats.

Fuel, Wood, and Charcoal.

Furniture previously used.

Gravel.

Green Ginger.

Hay and Straw.

Hoesticks.

Horses brought into the Island by Eques-
trian Companies, provided the same are
taken away by them on leaving, and
race-horses on every occasion after
the first importation thereof, provided no
drawback had been claimed thereon on
exportation.

Hulls, boats, masts, spars, apparel, tackle
and furniture of Vessels condemned by
survey, and on which tonnage duty shall
have been paid.

Ice.

Leeches.

Lemon and lime juice.

Lime—building, and temper, and limestone
Live and dead stock—not enumerated in
Table A.

Logwood.

Manure.

Molasses,

Oars and Sweeps.

Organs and other musical instruments im-
ported expressly for use in Churches
and Chapels of every denomination.

Packages in which goods are imported, ex-
cept new trunks, vats, hogsheads and
puncheons.

Passengers' baggage containing apparel and
articles of personal use, and professional
apparatus.

Patterns and samples of no intrinsic value.
Personal effects of individuals belonging to
this Island dying abroad.

Pozzolano.

Rags.

Raw hides and skins.

Salt.

Sawdust.

Soda Water and Mineral Water.

Specimens illustrative of natural history
seeds, bulbs, and roots, and cuttings
of plants or shrubs of all kinds.

Sugar—raw or muscovado.

Tablets and tombstones, and all the appur-
tenances thereto, imported specially for
immediate erection, and not for sale
on the certificate of the person for whom
imported.

Tar, Pitch, and Resin.

Turtle and Tortoise shell unmanufactured.

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SCHEDULE B. (Sec. 37.)

Form of Certificate.

No.	No.	Bridge-Town.	18 .
	I do hereby certify that		
Date	Master of the	Tons per Regis-	
	ter has duly cleared at this office,		
	etc., paid all fees, dues, and de-		
	mands, according to the Act		
Master	Vict.	Cap.	
	day's groundage or harbour dues,		
	at 1 <i>d</i> . $\frac{1}{2}$ ton.		
Vessel	day's loading and unloading at		
	1 <i>d</i> $\frac{1}{2}$ ton.		
	day's careenageing, at 1½ <i>d</i> . $\frac{1}{2}$ ton.		
No. Tons	Harbour Master's Fee,		
Sum paid to	Treasurer.		
	Harbour Master.		

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SCHEDULE C. (Sec. 81.)

FORM A.

MASTER'S MANIFEST OF RUM RECEIVED ON SHIPBOARD.

PORT OF BRIDGETOWN, BARBADOS.

An Account of all Rum, the produce of this Island, received on board of the ship **now riding at anchor in**
and bound for

Shipping Marks and Numbers.	Number of Casks.	Number of Gallons.	Proofs.	By whom Shipped.	No of Registered Still.	Where Situated.	In what Parish.	In District.	Date of Shipment.
Totals									

I, **Master of the Ship**, about to sail from this Port for **do solemnly declare**
that the foregoing quantity of Rum, made in this Island, amounting in full to **casks, containing, to the**
best of my knowledge and belief gallons, proofs, **is actually and bona fide on board of the said**
ship whereof I am Master, for exportation, and that I will not land or deliver, or suffer to be landed or
delivered out of the ship, such Rum, or any part thereof, in any part of this Island, without permission first
obtained from the Colonial Treasurer and the Comptroller of Customs. **(Signed)** Master of the Ship.
Declared to before me this 187 **(Signed)** Colonial Treasurer.

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FORM B. (Sec. 82.)

COLONIAL TREASURER'S CERTIFICATE TO THE
COMPTROLLER OF CUSTOMS.

That the Master of a Vessel having Rum on Board, the Produce of this Island, and about to sail, has delivered to him a manifest thereof. (Sec. 54.)

No. Colonial Treasury, 187

I hereby certify that
Master of the Vessel about
to sail for has delivered
to me a Manifest containing a full account
of all Rum on board of the said ship, the
produce of this Island, and that the same is
in correspondence with the outward entries
of such Rum passed for export by such
vessel at this office.

(Signed)

Colonial Treasurer.
To the Comptroller of Customs.

SCHEDULE D. (Sec. 92.)

FORM A. (Sec. 92.)

I. J. K. (name), master in charge of the—
(insert vessel's name)—of (insert Port of registry)—now loading produce in—(here state the port or bay), and bound for (insert port of destination), do hereby solemnly declare that the bilge water received from on board my vessel by C. D.—(here state name) in charge of the lighter (or boat as the case may be, and, if practicable, here state her name and number) is the natural and regular leakage of the produce laden on board, in combination with the drainage of the vessel, and that no improper nor unfair means of any kind whatever have been resorted to

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to increase the said leakage, to the best of my belief and knowledge.

J. K.—(signature of Master of the .)

Barbados, 187 .

To all whom it may concern.

FORM B. (SEC. 93.)

Inwards Barbados, 187

In the from Master for
(Consignee's name)

Puncheons (or other packages as the case may be) containing (here state the probable number of gallons, and where practicable the density of the bilge water) at Five shillings per puncheon pounds. To be brought to the wharf by the (here insert the name of the boat, drogher or other vessel) in charge of such vessel being owned by No. Duplicate

(Signed)

Colonial Treasurer.

To the Harbour Master.

FORM C. (SEC. 93.)

Customs, Barbados, 187 .

This is to certify that puncheons (or other packages) of bilge-water landed by virtue of inward entry No. dated 187 are correct as described in such entry,* have been tested by

* If any discrepancy occurs it is to be noted here for the Treasurer's information and guidance.

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me, and are of the following degrees of density by Beaume's saccharometer.

No.	degrees
No.	degrees

(Signed)

Colonial Revenue (or other }
Customs) Officer, }

To the Colonial Treasurer.

SCHEDULE E. (SEC. 136.)

FOR REGISTRARS OF SHIPPING.

	S.	D.
For registering a ship and granting a certificate of registry...	5	0
For each form of bill of sale or mortgage issued	1	0
For each form of Declaration issued	0	6
For endorsing the names of owners upon certificates of registry on change of owners.. ...	2	0
For ditto on change of masters ...	2	0
For each entry on the registry book relating to transfer by bill of sale... ..	1	0
For ditto relating to mortgage ...	2	0
For transmitting particulars on application to transfer registry to another port	2	6
For granting a certificate of mortgage or sale	5	0
For sales or mortgage made before registrar under certificates of sale or mortgage each	2	6
For each certified copy of documents under the 107th section	1	0
For inspection of the registry book	1	0

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FOR MEASURING SURVEYORS.

Measuring of tonnage—for each measured or transverse section	7	6
Certificate of survey of identity when measurement of tonnage is not required	10	0

SCHEDULE F. (Sec. 141.)

No. of Act.	Title & Date of Act.	Extent of Repeal.
No. 82.—	“An Act for laying an additional Ton- nage Duty on Ves- sels arriving at this Island, and for ap- propriating the pro- duce thereof.” 23rd October 1834.....	The whole Act.
No. 102.—	“An Act to encourage the Planting of Cot- ton.” 27th June 1837	Section 2.
No. 114.—	“An Act to exempt Wine, Brandy, Rum, and other Spirituous Liquors imported for the use of the Army and Navy, from the payment of Colonial Duties.” 31st March 1838,	The whole Act.
No. 124.—	“An Act relating to the keeping of Gun- powder in Bridge- Town.” 26th April 1839	Sections 1, and 2.

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- No. 132.—“ An Act for laying a
duty on Horses,
Mules, and Asses
imported into this
Island.” 16th April
1840. The whole
Act.
- No. 135.—“ An Act to permit
Vessels arriving
with cargoes of Ice
to come within the
Careenage and land
the same on that
part of the Pierhead
opposite the Ice-
House, and for re-
mitting Tonnage
and other Dues.”
25th July 1840.... The whole
Act.
- No. 136.—“ An Act to grant to
all Vessels belong-
ing to the Royal
Yacht Squadron the
same privileges they
enjoy in the Ports
of the United King-
dom.” September
1840, The whole
Act.
- No. 138.—“ An Act to promote
and encourage
Steam-Navigation
between this Island,
Great Britain, and
other places ” 23rd
November 1840.... The whole
Act.

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No. 141.—“ An Act for the return of Duties on the Exportation of Horses, Mules, and Asses from this Island.” 20th January.” 1841. The whole Act.

No. 143.—“ An Act to remit the Import duty on the arrival into this Island of Chargers, belonging to Mounted Officers in Her Majesty’s Service, and for the return of the duties paid on such Chargers as have already arrived in this Island.” 29th April 1841. The whole Act.

No. 155.—“ An Act to reduce the Import Duties on Brandy, Gin, and other Spirituous Liquors; and also on Tobacco and Cigars; the better to regulate the Import Duty on Wines, and to remit the Import Duty on Manure.” 9th February, 1834 The whole Act.

No. 180.—“ An Act to authorise Police Officers to visit Private Wharfs and Bathing-Houses, and other

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erections in the Sea,
along the Coast of
this Island for the
detection of Smug-
gling." 11th May,
1846..... The whole
Act.

No. 197.—“ An Act to interdict
the Sale of Old Gold,
Silver, Iron, Cop-
per, Lead, and other
Metals without a
Certificate, and for
the more effectually
preventing the pur-
chase and exporta-
tion of Stolen Arti-
cles of the like des-
cription.” 20th Au-
gust 1848..... Sections 4,
5, 6, and 7.

No. 198.—“ An Act to authorize
the importation in-
to this Island of
Books, being
Foreign Reprints of
Books first com-
posed, or written, or
printed, or publish-
ed, in the United
Kingdom, and in
which there shall be
Copyright.”
1st September
1848 The whole
Act.

No. 214.—“ An Act to consoli-
date and amend the
Laws for regulating
the Office of Har-

bour Master and
Molehead Officer,
and to make other
provisions for regu-
lating the duties of
Harbour Master of
the Port of Bridge-
Town" 1st August
1850..... ..

Sections 2,
3, 4, 7, 17,
27, and 28.

No. 249.—“ An Act for the pre-
vention of Smug-
gling.” 29th July
1853

The whole
Act.

No. 264.—“ An Act to remit the
Tonnage duty on
Vessels importing
Military and Naval
Stores for the use of
Her Majesty's Army
and Navy.” 26th
April 1854..... ..

The whole
Act.

No. 390.—“ An Act to encourage
Steam Navigation
between this Island
and other places so
far as the same may
tend to increase
Postal facilities.”
22nd July 1863...

The whole
Act.

No. 400.—“ An Act to establish
a scale of fees for
Duties performed
under the second
part of the Imperial
Merchant Shipping

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Act, 1854." 15th
January 1864..... The whole
Act.

No. 407.—“ An Act to permit
Whaling Vessels to
pay the Tonnage
Dues, or to pay at
a certain rate on the
Oil landed there-
from.” 12th October
1878..... The whole
Act.

No. 412.—“ An Act to amend an
Act entitled ‘ An
‘ Act to encourage
‘ the planting of Cot-
‘ ton ’ 27th June
1837.’ 11th January
1865..... The whole
Act.

No. 456.—“ An Act to amend
the 25th Clause of
the Act of the 1st
August 1850.” 10th
August 1868..... The whole
Act.

No. 474.—“ An Act to repeal the
Act of 17th August
1850, entitled ‘ An
‘ Act to prohibit the
‘ landing of Bilge-
‘ water from Ves-
‘ sels,’ and to make
other provisions in
lieu thereof.” 30th
March 1870..... The whole
Act.

No. 484.—“ An Act to regulate
the storing of Pe-
troleum and its pro-
ducts and to provide
suitable Buildings
for storing the
same.” 4th October
1870.....

Sections 8,
9, 10, 11,
13, 14, and
15.

No. 500.—“ An Act to amend
the first Clause of
the Act of the 22nd
February, 1854, en-
titled, ‘ An Act to
‘ relieve owners of
‘ small vessels in re-
‘ spect of bonds
‘ given and fees paid
‘ at the office of the
‘ Secretary of the Is-
land,’ and the 11th
Clause of the Har-
bour Police Act of
the 6th March,
1867.” 30th June
1870.....

The whole
Act.

No. 506.—“ An Act to make
better provision for
the collection of a
Duty upon Rum
made in this Island.”
20th December,
1871.....

Sections
53, 54, 55,
and 72.

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No. 512.—“ An Act to alter and amend the Act of 30th March, 1870 relating to the landing of Bilgewater.” 16th January, 1872 **The whole Act.**

No. 546.—“ An Act to authorize the Commissioners of Public Buildings to appropriate a portion of the unexpended Grant voted for the erection of a Petroleum Warehouse, in making a Road, and to place the building under the care of the Consolidated Board, and to alter and amend certain portions of the Act, and to make other provisions with respect to Petroleum.” 16th August 1873,... .. **Sections 2, and 4.**

No. 570.—“ An Act to consolidate and amend the Laws relating to the Post-Office in this Island.” 25th March 1874..... .. **Section 18.**

No. 571.—“ An Act to consolidate and amend the several Acts of this

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Island, relating to
the Customs Estab-
lishment.' 5th May

1874..... Sections 8
and 9.

No. 572.—" An Act to consoli-
date and amend cer-
tain Acts of this Is-
land relating to the
Molehead, and the
collection of Ton-
nage Duties on Ves-
sels coming to this
Island." 5th May
1874..... Section 8.

XXXIX, Vict.—Cap. 18.—" An
Act to alter and
amend certain por-
tions of the Acts of
4th October 1870,
and 16th August
1873, relating to
the storing of Petro-
leum, and to make
other provisions
with respect to the
storing of same in
the Petroleum
Warehouse, and for
other purposes."
31st May, 1876— The whole
Act.

XL. Vict.—Cap. 24.—" An Act
to establish a Har-
bour Police Force
for the Port of
Bridgetown, and
to make provision

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for the maintenance
thereof. 25th August
1876..... Sections 15
and 16.

XL. Vict.—Cap. 31.—“ An Act
to regulate the
Sale of Liquors
by retail.” 6th No-
vember 1876 Sections 4
and 18.

XL. Vict.—Cap 8.—“ An Act to
amend an Act entitled
‘ An Act to amend
and continue the
Act regulating the
Import and Export
Trade of this
Island,’ in respect
of packages of To-
bacco seized as
being under the re-
quired weight.”—
11th March, 1878. The whole
Act.

BARBADOS:

BARCLAY AND FRASER, PRINTERS TO THE
LEGISLATURE.

—:o:—
1878.

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